THE ENGLISH UTILITARIANS

By LESLIE STEPHEN



IN THREE VOLUMES

VOL. I

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PREFACE

This book is a sequel to my *History of English Thought in the Eighteenth Century.* The title which I then ventured to use was more comprehensive than the work itself deserved. I felt my inability to write a continuation which should at all correspond to a similar title for the nineteenth century. I thought, however, that by writing an account of the compact and energetic school of English Utilitarians I could throw some light both upon them and their contemporaries. I had the advantage for this purpose of having been myself a disciple of the school during its last period. Many accidents have delayed my completion of the task; and delayed also its publication after it was written. Two books have been published since that time, which partly cover the same ground; and I must be content with referring my readers to them for further information. They are *The English Radicals*, by Mr. C. B. Roylance Kent; and *English Political Philosophy from Hobbes to Maine*, by Professor Graham.

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INTRODUCTORY

THE English Utilitarians of whom I am about to give some account were a group of men who for three generations had a conspicuous influence upon English thought and political action. Jeremy Bentham, James Mill, and John Stuart Mill were successively their leaders; and I shall speak of each in turn. It may be well to premise a brief indication of the method which I have adopted. I have devoted a much greater proportion of my work to biography and to consideration of political and social conditions than would be appropriate to the history of a philosophy. The reasons for such a course are very obvious in this case, inasmuch as the Utilitarian doctrines were worked out with a constant reference to practical applications. I think, indeed, that such a reference is often equally present, though not equally conspicuous, in other philosophical schools. But in any case I wish to show how I conceive the relation of my scheme to the scheme more generally adopted by historians of abstract speculation.

I am primarily concerned with the history of a school or sect, not with the history of the arguments by which it justifies itself in the court of pure reason. I must therefore consider the creed as it was actually embodied in the dominant beliefs of the adherents of the school, not as it was expounded in lecture-rooms or

treatises on first principles. I deal not with philosophers meditating upon Being and not-Being, but with men actively engaged in framing political platforms and carrying on popular agitations. The great majority even of intelligent partisans are either indifferent to the philosophic creed of their leaders or take it for granted. Its postulates are more or less implied in the doctrines which guide them in practice, but are not explicitly stated or deliberately reasoned out. Not the less the doctrines of a sect, political or religious, may be dependent upon theories which for the greater number remain latent or are recognised only in their concrete application. Contemporary members of any society, however widely they differ as to results, are employed upon the same problems and, to some extent, use the same methods and make the same assumptions in attempting solutions. There is a certain unity even in the general thought of any given period. Contradictory views imply some common ground. But within this wider unity we find a variety of sects, each of which may be considered as more or less representing a particular method of treating the general problem: and therefore principles which, whether clearly recognised or not, are virtually implied in their party creed and give a certain unity to their teaching.

One obvious principle of unity, or tacit bond of sympathy which holds a sect together depends upon the intellectual idiosyncrasy of the individuals. Coleridge was aiming at an important truth when he said that every man was born an Aristotelian or a Platonist.[1] Nominalists and realists, intuitionists and empiricists, idealists and materialists, represent different forms of

[1] *Table-Talk*, 3 July 1830.

a fundamental antithesis which appears to run through all philosophy. Each thinker is apt to take the postulates congenial to his own mind as the plain dictates of reason. Controversies between such opposites appear to be hopeless. They have been aptly compared by Dr. Venn to the erection of a snow-bank to dam a river. The snow melts and swells the torrent which it was intended to arrest. Each side reads admitted truths into its own dialect, and infers that its own dialect affords the only valid expression. To regard such antitheses as final and insoluble would be to admit complete scepticism. What is true for one man would not therefore be true—or at least its truth would not be demonstrable—to another. We must trust that reconciliation is achievable by showing that the difference is really less vital and corresponds to a difference of methods or of the spheres within which each mode of thought may be valid. To obtain the point of view from which such a conciliation is possible should be, I hold, one main end of modern philosophising.

The effect of this profound intellectual difference is complicated by other obvious influences. There is, in the first place, the difference of intellectual horizon. Each man has a world of his own and sees a different set of facts. Whether his horizon is that which is visible from his parish steeple or from St. Peter's at Rome, it is still strictly limited: and the outside universe, known vaguely and indirectly, does not affect him like the facts actually present to his perception. The most candid thinkers will come to different conclusions when they are really provided with different sets of fact. In political and social problems every man's opinions are

moulded by his social station. The artisan's view of the capitalist, and the capitalist's view of the artisan, are both imperfect, because each has a first-hand knowledge of his own class alone: and, however anxious to be fair, each will take a very different view of the working of political institutions. An apparent concord often covers the widest divergence under the veil of a common formula, because each man has his private mode of interpreting general phrases in terms of concrete fact.

This, of course, implies the further difference arising from the passions which, however illogically, go so far to determine opinions. Here we have the most general source of difficulty in considering the actual history of a creed. We cannot limit ourselves to the purely logical factor. All thought has to start from postulates. Men have to act before they think: before, at any rate, reasoning becomes distinct from imagining or guessing. To explain in early periods is to fancy and to take a fancy for a perception. The world of the primitive man is constructed not only from vague conjectures and hasty analogies but from his hopes and fears, and bears the impress of his emotional nature. When progress takes place some of his beliefs are confirmed, some disappear, and others are transformed: and the whole history of thought is a history of this gradual process of verification. We begin, it is said, by assuming: we proceed by verifying, and we only end by demonstrating. The process is comparatively simple in that part of knowledge which ultimately corresponds to the physical sciences. There must be a certain harmony between beliefs and realities in regard to knowledge of ordinary matters of fact, if only because such harmony is essential

to the life of the race. Even an ape must distinguish poisonous from wholesome food. Beliefs as to physical facts require to be made articulate and distinct; but we have only to recognise as logical principles the laws of nature which we have unconsciously obeyed and illustrated—to formulate dynamics long after we have applied the science in throwing stones or using bows and arrows. But what corresponds to this in the case of the moral and religious beliefs? What is the process of verification? Men practically are satisfied with their creed so long as they are satisfied with the corresponding social order. The test of truth so suggested is obviously inadequate: for all great religions, however contradictory to each other, have been able to satisfy it for long periods. Particular doctrines might be tested by experiment. The efficacy of witchcraft might be investigated like the efficacy of vaccination. But faith can always make as many miracles as it wants: and errors which originate in the fancy cannot be at once extirpated by the reason. Their form may be changed but not their substance. To remove them requires not disproof of this or that fact, but an intellectual discipline which is rare even among the educated classes. A religious creed survives, as poetry or art survives,—not so long as it contains apparently true statements of fact but—so long as it is congenial to the whole social state. A philosophy indeed is a poetry stated in terms of logic. Considering the natural conservatism of mankind, the difficulty is to account for progress, not for the persistence of error. When the existing order ceases to be satisfactory; when conquest or commerce has welded nations together and brought conflicting creeds into cohesion; when industrial

development has modified the old class relations; or when the governing classes have ceased to discharge their functions, new principles are demanded and new prophets arise. The philosopher may then become the mouthpiece of the new order, and innocently take himself to be its originator. His doctrines were fruitless so long as the soil was not prepared for the seed. A premature discovery if not stamped out by fire and sword is stifled by indifference. If Francis Bacon succeeded where Roger Bacon failed, the difference was due to the social conditions, not to the men. The cause of the great religious as well as of the great political revolutions must be sought mainly in the social history. New creeds spread when they satisfy the instincts or the passions roused to activity by other causes. The system has to be so far true as to be credible at the time; but its vitality depends upon its congeniality as a whole to the aspirations of the mass of mankind.

The purely intellectual movement no doubt represents the decisive factor. The love of truth in the abstract is probably the weakest of human passions; but truth when attained ultimately gives the fulcrum for a reconstruction of the world. When a solid core of ascertained and verifiable truth has once been formed and applied to practical results it becomes the fixed pivot upon which all beliefs must ultimately turn. The influence, however, is often obscure and still indirect. The more cultivated recognise the necessity of bringing their whole doctrine into conformity with the definitely organised and established system; and, at the present day, even the uneducated begin to have an inkling of possible results. Yet the desire for logical consistency is not one which presses

forcibly upon the less cultivated intellects. They do not feel the necessity of unifying knowledge or bringing their various opinions into consistency and into harmony with facts. There are easy methods of avoiding any troublesome conflict of belief. The philosopher is ready to show them the way. He, like other people, has to start from postulates, and to see how they will work. When he meets with a difficulty it is perfectly legitimate that he should try how far the old formula can be applied to cover the new applications. He may be led to a process of 'rationalising' or 'spiritualising' which is dangerous to intellectual honesty. The vagueness of the general conceptions with which he is concerned facilitates the adaptation; and his words slide into new meanings by imperceptible gradations. His error is in taking a legitimate tentative process for a conclusive test; and inferring that opinions are confirmed because a non-natural interpretation can be forced upon them. This, however, is only the vicious application of the normal process through which new ideas are diffused or slowly infiltrate the old systems till the necessity of a thoroughgoing reconstruction forces itself upon our attention. Nor can it be denied that an opposite fallacy is equally possible, especially in times of revolutionary passion. The apparent irreconcilability of some new doctrine with the old may lead to the summary rejection of the *implicit truth*, together with the error involved in its imperfect recognition. Hence arises the necessity for taking into account not only a man's intellectual idiosyncrasies and the special intellectual horizon, but all the prepossessions due to his personal character, his social environment, and his consequent sympathies and antipathies. The philosopher has

his passions like other men. He does not really live in the thin air of abstract speculation. On the contrary, he starts generally, and surely is right in starting, with keen interest in the great religious, ethical, and social problems of the time. He wishes—honestly and eagerly—to try them by the severest tests, and to hold fast only what is clearly valid. The desire to apply his principles in fact justifies his pursuit, and redeems him from the charge that he is delighting in barren intellectual subtleties. But to an outsider his procedure may appear in a different light. His real problem comes to be: how the conclusions which are agreeable to his emotions can be connected with the postulates which are congenial to his intellect? He may be absolutely honest and quite unconscious that his conclusions were prearranged by his sympathies. No philosophic creed of any importance has ever been constructed, we may well believe, without such sincerity and without such plausibility as results from its correspondence to at least some aspects of the truth. But the result is sufficiently shown by the perplexed controversies which arise. Men agree in their conclusions, though starting from opposite premises; or from the same premises reach the most diverging conclusions. The same code of practical morality, it is often said, is accepted by thinkers who deny each other's first principles; dogmatism often appears to its opponents to be thorough-going scepticism in disguise, and men establish victoriously results which turn out in the end to be really a stronghold for their antagonists.

Hence there is a distinction between such a history of a sect as I contemplate and a history of scientific inquiry or of pure philosophy. A history of mathematical or

physical science would differ from a direct exposition of the science, but only in so far as it would state truths in the order of discovery, not in the order most convenient for displaying them as a system. It would show what were the processes by which they were originally found out, and how they have been afterwards annexed or absorbed in some wider generalisation. These facts might be stated without any reference to the history of the discoverers or of the society to which they belonged. They would indeed suggest very interesting topics to the general historian or 'sociologist.' He might be led to inquire under what conditions men came to inquire scientifically at all; why they ceased for centuries to care for science; why they took up special departments of investigation; and what was the effect of scientific discoveries upon social relations in general. But the two inquiries would be distinct for obvious reasons. If men study mathematics they can only come to one conclusion. They will find out the same propositions of geometry if they only think clearly enough and long enough, as certainly as Columbus would discover America if he only sailed far enough. America was there, and so in a sense are the propositions. We may therefore in this case entirely separate the two questions: what leads men to think? and what conclusions will they reach? The reasons which guided the first discoverers are just as valid now, though they can be more systematically stated. But in the 'moral sciences' this distinction is not equally possible. The intellectual and the social evolution are closely and intricately connected, and each reacts upon the other. In the last resort no doubt a definitive system of belief once elaborated would repose upon universally

valid truths and determine, instead of being determined by, the corresponding social order. But in the concrete evolution which, we may hope, is approximating towards this result, the creeds current among mankind have been determined by the social conditions as well as helped to determine them. To give an account of that process it is necessary to specify the various circumstances which may lead to the survival of error, and to the partial views of truth taken by men of different idiosyncrasies working upon different data and moved by different passions and prepossessions. A history written upon these terms would show primarily what, as a fact, were the dominant beliefs during a given period, and state which survived, which disappeared, and which were transformed or engrafted upon other systems of thought. This would of course raise the question of the truth or falsehood of the doctrines as well as of their vitality: for the truth is at least one essential condition of permanent vitality. The difference would be that the problem would be approached from a different side. We should ask first what beliefs have flourished, and afterwards ask why they flourished, and how far their vitality was due to their partial or complete truth. To write such a history would perhaps require an impartiality which few people possess and which I do not venture to claim. I have my own opinions for which other people may account by prejudice, assumption, or downright incapacity. I am quite aware that I shall be implicitly criticising myself in criticising others. All that I can profess is that by taking the questions in this order, I shall hope to fix attention upon one set of considerations which are apt, as I fancy, to be unduly neglected. The result of

reading some histories is to raise the question : how people on the other side came to be such unmitigated fools? Why were they imposed upon by such obvious fallacies? That may be answered by considering more fully the conditions under which the opinions were actually adopted, and one result may be to show that those opinions had a considerable element of truth, and were held by men who were the very opposite of fools. At any rate I shall do what I can to write an account of this phase of thought, so as to bring out what were its real tenets; to what intellectual type they were naturally congenial; what were the limitations of view which affected the Utilitarians' conception of the problems to be solved; and what were the passions and prepossessions due to the contemporary state of society and to their own class position, which to some degree unconsciously dictated their conclusions. So far as I can do this satisfactorily, I hope that I may throw some light upon the intrinsic value of the creed, and the place which it should occupy in a definitive system.

CHAPTER I

POLITICAL CONDITIONS

I. THE BRITISH CONSTITUTION

THE English Utilitarians represent one outcome of the speculations current in England during the later part of the eighteenth century. For the reasons just assigned I shall begin by briefly recalling some of the social conditions which set the problems for the coming generation and determined the mode of answering them. I must put the main facts in evidence, though they are even painfully familiar. The most obvious starting-point is given by the political situation. The supremacy of parliament had been definitively established by the revolution of 1688, and had been followed by the elaboration of the system of party government. The centre of gravity of the political world lay in the House of Commons. No minister could hold power unless he could command a majority in this house. Jealousy of the royal power, however, was still a ruling passion. The party line between Whig and Tory turned ostensibly upon this issue. The essential Whig doctrine is indicated by Dunning's famous resolution (6 April 1780) that 'the power of the crown had increased, was increasing, and ought to be diminished.' The resolution

was in one sense an anachronism. As in many other cases, politicians seem to be elaborately slaying the slain and guarding against the attacks of extinct monsters. There was scarcely more probability under George III. than there is under Victoria that the king would try to raise taxes without consent of parliament. George III., however, desired to be more than a contrivance for fixing the great seal to official documents. He had good reason for thinking that the weakness of the executive was an evil. The king could gain power not by attacking the authority of parliament but by gaining influence within its walls. He might form a party of 'king's friends' able to hold the balance between the connections formed by the great families and so break up the system of party government. Burke's great speech (11 Feb. 1780) upon introducing his plan 'for the better security of the independence of parliament and the economical reformation of the civil and other establishments' explains the secret and reveals the state of things which for the next half century was to supply one main theme for the eloquence of reformers. The king had at his disposal a vast amount of patronage. There were relics of ancient institutions: the principality of Wales, the duchies of Lancaster and Cornwall, and the earldom of Chester; each with its revenue and establishment of superfluous officials. The royal household was a complex 'body corporate' founded in the old days of 'purveyance.' There was the mysterious 'Board of Green Cloth' formed by the great officers and supposed to have judicial as well as administrative functions. Cumbrous mediæval machinery thus remained which had been formed in the time when the distinction between

a public trust and private property was not definitely drawn or which had been allowed to remain for the sake of patronage, when its functions had been transferred to officials of more modern type. Reform was foiled, as Burke put it, because the turnspit in the king's kitchen was a member of parliament. Such sinecures and the pensions on the civil list or the Irish establishment provided the funds by which the king could build up a personal influence, which was yet occult, irresponsible, and corrupt. The measure passed by Burke in 1782[1] made a beginning in the removal of such abuses.

Meanwhile the Whigs were conveniently blind to another side of the question. If the king could buy, it was because there were plenty of people both able and willing to sell. Bubb Dodington, a typical example of the old system, had five or six seats at his disposal: subject only to the necessity of throwing a few pounds to the 'venal wretches' who went through the form of voting, and by dealing in what he calls this 'merchantable ware' he managed by lifelong efforts to wriggle into a peerage. The Dodingtons, that is, sold because they bought. The 'venal wretches' were the lucky franchise-holders in rotten boroughs. The 'Friends of the People'[2] in 1793 made the often-repeated statement that 154 individuals returned 307 members, that is, a majority of the house. In Cornwall, again, 21 boroughs with 453 electors controlled by about 15 individuals returned 42 members,[3] or, with the two county members, only one member less than Scotland; and the Scottish members were elected by close corporations in boroughs

[1] 22 George III. c. 82. [2] *Parl. Hist.* xxx. 787.
[3] *State Trials*, xxiv. 382.

and by the great families in counties. No wonder if the House of Commons seemed at times to be little more than an exchange for the traffic between the proprietors of votes and the proprietors of offices and pensions.

The demand for the reforms advocated by Burke and Dunning was due to the catastrophe of the American War. The scandal caused by the famous coalition of 1783 showed that a diminution of the royal influence might only make room for selfish bargains among the proprietors of parliamentary influence. The demand for reform was taken up by Pitt. His plan was significant. He proposed to disfranchise a few rotten boroughs; but to soften this measure he afterwards suggested that a million should be set aside to buy such boroughs as should voluntarily apply for disfranchisement. The seats obtained were to be mainly added to county representation; but the franchise was to be extended so as to add about 99,000 voters in boroughs, and additional seats were to be given to London and Westminster and to Manchester, Leeds, Birmingham, and Sheffield. The Yorkshire reformers, who led the movement, were satisfied with this modest scheme. The borough proprietors were obviously too strong to be directly attacked, though they might be induced to sell some of their power.

Here was a mass of anomalies, sufficient to supply topics of denunciation for two generations of reformers, and, in time, to excite fears of violent revolution. Without undertaking the easy task of denouncing exploded systems, we may ask what state of mind they implied. Our ancestors were perfectly convinced that their political system was of almost unrivalled excellence: they held that they were freemen entitled to look down upon

foreigners as the slaves of despots. Nor can we say that their satisfaction was without solid grounds. The boasting about English freedom implied some misunderstanding. But it was at least the boast of a vigorous race. Not only were there individuals capable of patriotism and public spirit, but the body politic was capable of continuous energy. During the eighteenth century the British empire spread round the world. Under Chatham it had been finally decided that the English race should be the dominant element in the new world; if the political connection had been severed by the bungling of his successors, the unbroken spirit of the nation had still been shown in the struggle against France, Spain, and the revolted colonies; and whatever may be thought of the motives which produced the great revolutionary wars, no one can deny the qualities of indomitable self-reliance and high courage to the men who led the country through the twenty years of struggle against France, and for a time against France with the continent at its feet. If moralists or political theorists find much to condemn in the ends to which British policy was directed, they must admit that the qualities displayed were not such as can belong to a simply corrupt and mean-spirited government.

One obvious remark is that, on the whole, the system was a very good one—as systems go. It allowed free play to the effective political forces. Down to the revolutionary period, the nation as a whole was contented with its institutions. The political machinery provided a sufficient channel for the really efficient force of public opinion. There was as yet no large class which at once had political aspirations and was unable to gain a hearing.

England was still in the main an agricultural country: and the agricultural labourer was fairly prosperous till the end of the century, while his ignorance and isolation made him indifferent to politics. There might be a bad squire or parson, as there might be a bad season; but squire and parson were as much parts of the natural order of things as the weather. The farmer or yeoman was not much less stolid; and his politics meant at most a choice between allegiance to one or other of the county families. If in the towns which were rapidly developing there was growing up a discontented population, its discontent was not yet directed into political channels. An extended franchise meant a larger expenditure on beer, not the readier acceptance of popular aspirations. To possess a vote was to have a claim to an occasional bonus rather than a right to influence legislation. Practically, therefore, parliament might be taken to represent what might be called 'public opinion,' for anything that deserved to be called public opinion was limited to the opinions of the gentry and the more intelligent part of the middle classes. There was no want of complaints of corruption, proposals to exclude placemen from parliament and the like; and in the days of Wilkes, Chatham, and Junius, when the first symptoms of democratic activity began to affect the political movement, the discontent made itself audible and alarming. But a main characteristic of the English reformers was the constant appeal to precedent, even in their most excited moods. They do not mention the rights of man; they invoke the 'revolution principles' of 1688; they insist upon the 'Bill of Rights' or Magna Charta. When keenly roused they recall the fate of Charles I.; and their

favourite toast is the cause for which Hampden died on the field and Sidney on the scaffold. They believe in the jury as the 'palladium of our liberties'; and are convinced that the British Constitution represents an unsurpassable though unfortunately an ideal order of things, which must have existed at some indefinite period. Chatham in one of his most famous speeches, appeals, for example, to the 'iron barons' who resisted King John, and contrasts them with the silken courtiers which now compete for place and pensions. The political reformers of the time, like religious reformers in most times, conceive of themselves only as demanding the restoration of the system to its original purity, not as demanding its abrogation. In other words, they propose to remedy abuses but do not as yet even contemplate a really revolutionary change. Wilkes was not a 'Wilkite,' nor was any of his party, if Wilkite meant anything like Jacobin.

II. THE RULING CLASS

Thus, however anomalous the constitution of parliament, there was no thought of any far-reaching revolution The great mass of the population was too ignorant, too scattered and too poor to have any real political opinions. So long as certain prejudices were not aroused, it was content to leave the management of the state to the dominant class, which alone was intelligent enough to take an interest in public affairs and strong enough to make its interest felt. This class consisted in the first place of the great landed interest. When Lord North opposed Pitt's reform in 1785 he said[1] that the Consti-

[1] *Parl. Hist.* xxv. 472.

tution was 'the work of infinite wisdom . . . the most beautiful fabric that had ever existed since the beginning of time.' He added that 'the bulk and weight' of the house ought to be in 'the hands of the country-gentlemen, the best and most respectable objects of the confidence of the people.' The speech, though intended to please an audience of country-gentlemen, represented a genuine belief.[1] The country-gentlemen formed the class to which not only the constitutional laws but the prevailing sentiment of the country gave the lead in politics as in the whole social system. Even reformers proposed to improve the House of Commons chiefly by increasing the number of county-members, and a county-member was almost necessarily a country-gentleman of an exalted kind. Although the country-gentleman was very far from having all things his own way, his ideals and prejudices were in a great degree the mould to which the other politically important class conformed. There was indeed a growing jealousy between the landholders and the 'monied-men.' Bolingbroke had expressed this distrust at an earlier part of the century. But the true representative of the period was his successful rival, Walpole, a thorough country-gentleman who had learned to understand the mysteries of finance and acquired the confidence of the city. The great merchants of London and the rising manufacturers in the country were rapidly growing in wealth and influence. The monied-men represented the most active, energetic, and growing part of the body politic. Their interests determined the direction of the national policy. The great wars of the

[1] The country-gentlemen, said Wilberforce in 1800, are the 'very nerves and ligatures of the body politic.'—*Correspondence*, i. 219.

century were undertaken in the interests of British trade. The extension of the empire in India was carried on through a great commercial company. The growth of commerce supported the sea-power which was the main factor in the development of the empire. The new industrial organisation which was arising was in later years to represent a class distinctly opposed to the old aristocratic order. At present it was in a comparatively subordinate position. The squire was interested in the land and the church ; the merchant thought more of commerce and was apt to be a dissenter. But the merchant, in spite of some little jealousies, admitted the claims of the country-gentleman to be his social superior and political leader. His highest ambition was to be himself admitted to the class or to secure the admission of his family. As he became rich he bought a solid mansion at Clapham or Wimbledon, and, if he made a fortune, might become lord of manors in the country. He could not as yet aspire to become himself a peer, but he might be the ancestor of peers. The son of Josiah Child, the great merchant of the seventeenth century, became Earl Tylney, and built at Wanstead one of the noblest mansions in England. His contemporary Sir Francis Child, Lord Mayor, and a founder of the Bank of England, built Osterley House, and was ancestor of the earls of Jersey and Westmoreland. The daughter of Sir John Barnard, the typical merchant of Walpole's time, married the second Lord Palmerston. Beckford, the famous Lord Mayor of Chatham's day, was father of the author of *Vathek*, who married an earl's daughter and became the father of a duchess. The Barings, descendants of a German pastor, settled in England early in the century

and became country-gentlemen, baronets, and peers. Cobbett, who saw them rise, reviled the stockjobbers who were buying out the old families. But the process had begun long before his days, and meant that the heads of the new industrial system were being absorbed into the class of territorial magnates. That class represented the framework upon which both political and social power was moulded.

This implies an essential characteristic of the time. A familiar topic of the admirers of the British Constitution was the absence of the sharp lines of demarcation between classes and of the exclusive aristocratic privileges which, in France, provoked the revolution. In England the ruling class was not a 'survival': it had not retained privileges without discharging corresponding functions. The essence of 'self-government,' says its most learned commentator,[1] is the organic connection 'between State and society.' On the Continent, that is, powers were intrusted to a centralised administrative and judicial hierarchy, which in England were left to the class independently strong by its social position. The landholder was powerful as a product of the whole system of industrial and agricultural development; and he was bound in return to perform arduous and complicated duties. How far he performed them well is another question. At least, he did whatever was done in the way of governing, and therefore did not sink into a mere excrescence or superfluity. I must try to point out certain results which had a material effect upon English opinion in general and, in particular, upon the Utilitarians.

[1] Gneist's *Self Government* (3rd edition, 1871), p. 879.

III. LEGISLATION AND ADMINISTRATION

The country-gentlemen formed the bulk of the law-making body, and the laws gave the first point of assault of the Utilitarian movement. One explanation is suggested by a phrase attributed to Sir Josiah Child.[1] The laws, he said, were a heap of nonsense, compiled by a few ignorant country-gentlemen, who hardly knew how to make good laws for the government of their own families, much less for the regulation of companies and foreign commerce. He meant that the parliamentary legislation of the century was the work of amateurs, not of specialists; of an assembly of men more interested in immediate questions of policy or personal intrigue than in general principles, and not of such a centralised body as would set a value upon symmetry and scientific precision. The country-gentleman had strong prejudices and enough common sense to recognise his own ignorance. The product of a traditional order, he clung to traditions, and regarded the old maxims as sacred because no obvious reason could be assigned for them. He was suspicious of abstract theories, and it did not even occur to him that any such process as codification or radical alteration of the laws was conceivable. For the law itself he had the profound veneration which is expressed by Blackstone. It represented the 'wisdom of our ancestors'; the system of first principles, on which the whole order of things reposed, and which must be regarded as an embodiment of right reason. The common law was a tradition, not made by express legislation, but somehow existing apart from any definite embodiment, and revealed

[1] See *Dictionary of National Biography.*

to certain learned hierophants. Any changes, required by the growth of new social conditions, had to be made under pretence of applying the old rules supposed to be already in existence. Thus grew up the system of 'judge-made law,' which was to become a special object of the denunciations of Bentham. Child had noticed the incompetence of the country-gentlemen to understand the regulation of commercial affairs. The gap was being filled up, without express legislation, by judicial interpretations of Mansfield and his fellows. This, indeed, marks a characteristic of the whole system. 'Our constitution,' says Professor Dicey,[1] 'is a judge-made constitution, and it bears on its face all the features, good and bad, of judge-made law.' The law of landed property, meanwhile, was of vital and immediate interest to the country-gentleman. But, feeling his own incompetence, he had called in the aid of the expert. The law had been developed in mediæval times, and bore in all its details the marks of the long series of struggles between king and nobles and parliaments. One result had been the elaborate series of legal fictions worked out in the conflict between private interests and public policy, by which lawyers had been able to adapt the rules fitted for an ancient state of society to another in which the very fundamental conceptions were altered. A mysterious system had thus grown up, which deterred any but the most resolute students. Of Fearne's essay upon 'Contingent remainders '(published in 1772) it was said that no work 'in any branch of science could afford a more beautiful instance of analysis.' Fearne had shown the acuteness of 'a Newton or a Pascal.' Other critics dispute this proposition; but in any

[1] *The Law of the Constitution*, p. 209.

case the law was so perplexing that it could only be fully understood by one who united antiquarian knowledge to the subtlety of a great logician. The 'vast and intricate machine,' as Blackstone calls it, 'of a voluminous family settlement' required for its explanation the dialectical skill of an accomplished schoolman. The poor country-gentleman could not understand the terms on which he held his own estate without calling in an expert equal to such a task. The man who has acquired skill so essential to his employer's interests is not likely to undervalue it or to be over anxious to simplify the labyrinth in which he shone as a competent guide.

The lawyers who played so important a part by their familiarity with the mysteries of commercial law and landed property, naturally enjoyed the respect of their clients, and were rewarded by adoption into the class. The English barrister aspired to success by himself taking part in politics and legislation. The only path to the highest positions really open to a man of ability, not connected by blood with the great families, was the path which led to the woolsack or to the judge's bench. A great merchant might be the father or father-in-law of peers; a successful soldier or sailor might himself become a peer, but generally he began life as a member of the ruling classes, and his promotion was affected by parliamentary influence. But a successful lawyer might fight his way from a humble position to the House of Lords. Thurlow, son of a country-gentleman; Dunning, son of a country attorney; Ellenborough, son of a bishop and descendant of a long line of North-country 'statesmen'; Kenyon, son of a farmer; Eldon, son of a Newcastle coal merchant, represent the average career of a successful

barrister. Some of them rose to be men of political importance, and Thurlow and Eldon had the advantage of keeping George III's conscience—an unruly faculty which had an unfortunately strong influence upon affairs. The leaders of the legal profession, therefore, and those who hoped to be leaders, shared the prejudices, took a part in the struggles, and were rewarded by the honours of the dominant class.

The criminal law became a main topic of reformers. There, as elsewhere, we have a striking example of traditional modes of thought surviving with singular persistence. The rough classification of crimes into felony and misdemeanour, and the strange technical rules about 'benefit of clergy' dating back to the struggles of Henry II. and Becket, remained like ultimate categories of thought. When the growth of social conditions led to new temptations or the appearance of a new criminal class, and particular varieties of crime became conspicuous, the only remedy was to declare that some offence should be 'felony without benefit of clergy,' and therefore punishable by death. By unsystematic and spasmodic legislation the criminal law became so savage as to shock every man of common humanity. It was tempered by the growth of technical rules, which gave many chances of escape to the criminal; and by practical revolt against its excesses, which led to the remission of the great majority of capital sentences.[1] The legislators were clumsy, not intentionally cruel; and the laws, though

[1] See Sir J. F. Stephen's *History of the Criminal Law* (1883), i. 470. He quotes Blackstone's famous statement that there were 160 felonies without benefit of clergy, and shows that this gives a very uncertain measure of the severity of the law. A single act making larceny in general punishable by death would be more severe than fifty separate acts, making fifty different

sanguinary in reality, were more sanguinary in theory than in practice. Nothing, on the other hand, is more conspicuous than the spirit of fair play to the criminal, which struck foreign observers.[1] It was deeply rooted in the whole system. The English judge was not an official agent of an inquisitorial system, but an impartial arbitrator between the prisoner and the prosecutor. In political cases especially a marked change was brought about by the revolution of 1688. If our ancestors talked some nonsense about trial by jury, the system certainly insured that the persons accused of libel or sedition should have a fair trial, and very often something more. Judges of the Jeffreys type had become inconceivable, though impartiality might disappear in cases where the prejudices of juries were actively aroused. Englishmen might fairly boast of their immunity from the arbitrary methods of continental rulers; and their unhesitating confidence in the fairness of the system became so ingrained as to be taken as a matter of course, and scarcely received due credit from later critics of the system.

The country-gentleman, again, was not only the legislator but a most important figure in the judicial and administrative system. As justice of the peace, he was the representative of law and order to his country neighbours. The preface of 1785 to the fifteenth edition of Burn's *Justice of the Peace*, published originally in 1755,

varieties of larceny punishable by death. He adds, however, that the scheme of punishment was 'severe to the highest degree, and destitute of every sort of principle or system.' The number of executions in the early part of this century varied apparently from a fifth to a ninth of the capital sentences passed. See Table in Porter's *Progress of the Nation* (1851), p. 635.

[1] See the references to Cottu's report of 1822 in Stephen's *History*, i. 429, 439, 451. Cottu's book was translated by Blanco White.

mentions that in the interval between these dates, some three hundred statutes had been passed affecting the duties of justices, while half as many had been repealed or modified. The justice was of course, as a rule, a superficial lawyer, and had to be prompted by his clerk, the two representing on a small scale the general relation between the lawyers and the ruling class. Burn tells the justice for his comfort that the judges will take a lenient view of any errors into which his ignorance may have led him. The discharge of such duties by an independent gentleman was thought to be so desirable and so creditable to him that his want of efficiency must be regarded with consideration. Nor, though the justices have been a favourite butt for satirists, does it appear that the system worked badly. When it became necessary to appoint paid magistrates in London, and the pay, according to the prevalent system, was provided by fees, the new officials became known as 'trading justices,' and their salaries, as Fielding tells us, were some of the 'dirtiest money upon earth.' The justices might perhaps be hard upon a poacher (as, indeed, the game laws became one of the great scandals of the system), or liable to be misled by a shrewd attorney; but they were on the whole regarded as the natural and creditable representatives of legal authority in the country.

The justices, again, discharged functions which would elsewhere belong to an administrative hierarchy. Gneist observes that the power of the justices of the peace represents the centre of gravity of the whole administrative system.[1] Their duties had become so multifarious and

[1] Gneist's *Self-Government* (1871), p. 194. It is characteristic that J. S. Mill, in his *Representative Government*, remarks that the 'Quarter Sessions' are

perplexed that Burn could only arrange them under alphabetical heads. Gneist works out a systematic account, filling many pages of elaborate detail, and showing how large a part they played in the whole social structure. An intense jealousy of central power was one correlative characteristic. Blackstone remarks in his more liberal humour that the number of new offices held at pleasure had greatly extended the influence of the crown. This refers to the custom-house officers, excise officers, stamp distributors and postmasters. But if the tax-gatherer represented the state, he represented also part of the patronage at the disposal of politicians. A voter was often in search of the place of a 'tidewaiter'; and, as we know, the greatest poet of the day could only be rewarded by making him an exciseman. Any extension of a system which multiplied public offices was regarded with suspicion. Walpole, the strongest minister of the century, had been forced to an ignominious retreat when he proposed to extend the excise. The cry arose that he meant to enslave the country and extend the influence of the crown over all the corporations in England. The country-gentleman had little reason to fear that government would diminish his importance by tampering with his functions. The justices of the peace were called upon to take a great and increasing share in the administration of the poor-law. They were concerned in all manner of financial details; they regulated such police as existed; they looked after the old laws by which the trades were still restricted; and, in theory at least,

formed in the 'most anomalous' way; that they represent the old feudal principle, and are at variance with the fundamental principles of representative government (*Rep. Gov.* (1867), p. 113). The mainspring of the old system had become a simple anomaly to the new radicalism.

could fix the rate of wages. Parliament did not override, but only gave the necessary sanction to their activity. If we looked through the journals of the House of Commons during the American War, for example, we should get the impression that the whole business of the legislature was to arrange administrative details. If a waste was to be enclosed, a canal or a high-road to be constructed, there was no public department to be consulted. The gentry of the neighbourhood ioined to obtain a private act of parliament which gave the necessary powers to the persons interested. No general enclosure act could be passed, though often suggested. It would imply a central commission, which would only, as was suggested, give rise to jobbery and take power out of the natural hands. Parliament was omnipotent; it could regulate the affairs of the empire or of a parish; alter the most essential laws or act as a court of justice; settle the crown or arrange for a divorce or for the alteration of a private estate. But it objected to delegate authority even to a subordinate body, which might tend to become independent. Thus, if it was the central power and source of all legal authority, it might also be regarded as a kind of federal league, representing the wills of a number of partially independent persons. The gentry could meet there and obtain the sanction of their allies for any measure required in their own little sphere of influence. But they had an instinctive aversion to the formation of any organised body representing the state. The neighbourhood which wanted a road got powers to make it, and would concur in giving powers to others. But if the state were to be intrusted to make roads, ministers would have more

places to give, and roads might be made which they did not want. The English roads had long been infamous, but neither was money wasted, as in France, on roads where there was no traffic.[1] Thus we have the combination of an absolute centralisation of legislative power with an utter absence of administrative centralisation. The units meeting in parliament formed a supreme assembly; but they did not sink their own individuality. They only met to distribute the various functions among themselves.

The English parish with its squire, its parson, its lawyer and its labouring population was a miniature of the British Constitution in general. The squire's eldest son could succeed to his position; a second son might become a general or an admiral; a third would take the family living; a fourth, perhaps, seek his fortune at the bar. This implies a conception of other political conditions which curiously illustrate some contemporary conceptions.

IV. THE ARMY AND NAVY

We are often amused by the persistency of the cry against a 'standing army' in England. It did not fairly die out until the revolutionary wars. Blackstone regards it as a singularly fortunate circumstance 'that any branch of the legislature might annually put an end to the legal existence of the army by refusing to concur in the continuance' of the mutiny act. A standing army was obviously necessary; but by making believe very hard,

[1] See Arthur Young, *passim*. There was, however, an improvement even in the first half of the century. See Cunningham's *Growth of English Industry, etc.* (*Modern Times*), p. 378.

we could shut our eyes to the facts, and pretend that it was a merely temporary arrangement.[1] The doctrine had once had a very intelligible meaning. If James II. had possessed a disciplined army of the continental pattern, with Marlborough at its head, Marlborough would hardly have been converted by the prince of Orange. But loyal as the gentry had been at the restoration, they had taken very good care that the Stuarts should not have in their hand such a weapon as had been possessed by Cromwell. When the Puritan army was disbanded, they had proceeded to regulate the militia. The officers were appointed by the lords-lieutenants of counties, and had to possess a property qualification; the men raised by ballot in their own districts; and their numbers and length of training regulated by Act of Parliament. The old 'train-bands' were suppressed, except in the city of London, and thus the recognised military force of the country was a body essentially dependent upon the country gentry. The militia was regarded with favour as the 'old constitutional force' which could not be used to threaten our liberties. It was remodelled during the Seven Years' War and embodied during that and all our later wars. It was, however, ineffective by its very nature. An aristocracy which chose to carry on wars must have a professional army in fact, however careful it might be to pretend that it was a provision for a passing necessity. The pretence had serious consequences. Since the army was not to have interests separate from the people, there was no reason for building barracks. The men might be billeted on publicans, or placed

[1] See *Military Forces of the Crown*, by Charles M. Clode (1869), for a full account of the facts.

under canvas, while they were wanted. When the great war came upon us, large sums had to be spent to make up for the previous neglect. Fox, on 22nd February 1793, protested during a lively debate upon this subject that sound constitutional principles condemned barracks, because to mix the army with the people was the 'best security against the danger of a standing army.'[1]

In fact a large part of the army was a mere temporary force. In 1762, towards the end of the Seven Years' War, we had about 100,000 men in pay; and after the peace, the force was reduced to under 20,000. Similar changes took place in every war. The ruling class took advantage of the position. An army might be hired from Germany for the occasion. New regiments were generally raised by some great man who gave commissions to his own relations and dependants. When the Pretender was in Scotland, for example, fifteen regiments were raised by patriotic nobles, who gave the commissions, and stipulated that although they were to be employed only in suppressing the rising, the officers should have permanent rank.[2] So, as was shown in Mrs. Clarke's case, a patent for raising a regiment might be a source of profit to the undertaker, who again might get it by bribing the mistress of a royal duke. The officers had, according to the generally prevalent system, a modified property in their commissions; and the system of sale was not abolished till our own days. We may therefore say that the ruling class, on the one hand, objected to a

[1] *Parl. Hist.* xxx. 490. Clode states (i. 222) that £9,000,000 was spent upon barracks by 1804, and, it seems, without proper authority.

[2] Debate in *Parl. Hist.* xiii. 1382, etc., and see Walpole's *Correspondence*, i. 400, for some characteristic comments.

standing army, and, on the other, since such an army was a necessity, farmed it from the country and were admitted to have a certain degree of private property in the concern. The prejudice against any permanent establishment made it necessary to fill the ranks on occasion by all manner of questionable expedients. Bounties were offered to attract the vagrants who hung loose upon society. Smugglers, poachers, and the like were allowed to choose between military service and transportation. The general effect was to provide an army of blackguards commanded by gentlemen. The army no doubt had its merits as well as its defects. The continental armies which it met were collected by equally demoralising methods until the French revolution led to a systematic conscription. The bad side is suggested by Napier's famous phrase, the 'cold shade of our aristocracy'; while Napier gives facts enough to prove both the brutality too often shown by the private soldier and the dogged courage which is taken to be characteristic even of the English blackguard. By others,—by such men as the duke of Wellington and Lord Palmerston, for example, types of the true aristocrat—the system was defended[1] as bringing men of good family into the army and so providing it, as the duke thought, with the best set of officers in Europe. No doubt they and the royal dukes who commanded them were apt to be grossly ignorant of their business; but it may be admitted by a historian that they often showed the qualities of which Wellington was himself a type. The English officer was a gentleman before he was a soldier, and considered the military virtues to be a part of his natural endowment. But it

[1] Clode, ii. 86.

was undoubtedly a part of his traditional code of honour to do his duty manfully and to do it rather as a manifestation of his own spirit than from any desire for rewards or decorations. The same quality is represented more strikingly by the navy. The English admiral represents the most attractive and stirring type of heroism in our history. Nelson and the 'band of brothers' who served with him, the simple and high-minded sailors who summed up the whole duty of man in doing their best to crush the enemies of their country, are among the finest examples of single-souled devotion to the calls of patriotism. The navy, indeed, had its ugly side no less than the army. There was corruption at Greenwich[1] and in the dockyards, and parliamentary intrigue was a road to professional success. Voltaire notes the queer contrast between the English boast of personal liberty and the practice of filling up the crews by pressgangs. The discipline was often barbarous, and the wrongs of the common sailor found sufficient expression in the mutiny at the Nore. A grievance, however, which pressed upon a single class was maintained from the necessity of the case and the inertness of the administrative system. The navy did not excite the same jealousy as the army; and the officers were more professionally skilful than their brethren. The national qualities come out, often in their highest form, in the race of great seamen upon whom the security of the island power essentially depended.

[1] See the famous case in 1778 in which Erskine made his first appearance, in *State Trials*, xxi. Lord St. Vincent's struggle against the corruption of his time is described by Prof. Laughton in the *Dictionary of National Biography*, (*s.v.* Sir John Jervis). In 1801 half a million a year was stolen, besides all the waste due to corruption and general muddling.

V. THE CHURCH

I turn, however, to the profession which was more directly connected with the intellectual development of the country. The nature of the church establishment gives the most obvious illustration of the connection between the intellectual position on the one hand and the social and political order on the other, though I do not presume to decide how far either should be regarded as effect and the other as cause.

What is the church of England? Some people apparently believe that it is a body possessing and transmitting certain supernatural powers. This view was in abeyance for the time for excellent reasons, and, true or false, is no answer to the constitutional question. It does not enable us to define what was the actual body with which lawyers and politicians have to deal. The best answer to such questions in ordinary case would be given by describing the organisation of the body concerned. We could then say what is the authority which speaks in its name; and what is the legislature which makes its laws, alters its arrangements, and defines the terms of membership. The supreme legislature of the church of England might appear to be parliament. It is the Act of Uniformity which defines the profession of belief exacted from the clergy; and no alteration could be made in regard to the rights and duties of the clergy except by parliamentary authority. The church might therefore be regarded as simply the religious department of the state. Since 1688, however, the theory and the practice of toleration had introduced difficulties. Nonconformity was not by itself punishable though it exposed a man

to certain disqualifications. The state, therefore, recognised that many of its members might legally belong to other churches, although it had, as Warburton argued, formed an 'alliance' with the dominant church. The spirit of toleration was spreading throughout the century. The old penal laws, due to the struggles of the seventeenth century, were becoming obsolete in practice and were gradually being repealed. The Gordon riots of 1780 showed that a fanatical spirit might still be aroused in a mob which wanted an excuse for plunder; but the laws were not explicitly defended by reasonable persons and were being gradually removed by legislation towards the end of the century. Although, therefore, parliament was kept free from papists, it could hardly regard church and state as identical, or consider itself as entitled to act as the representative body of the church. No other body, indeed, could change the laws of the church; but parliament recognised its own incompetence to deal with them. Towards the end of the century, various attempts were made to relax the terms of subscription. It was proposed, for example, to substitute a profession of belief in the Bible for a subscription to the Thirty-Nine Articles. But the House of Commons sensibly refused to expose itself by venturing upon any theological innovations. A body more ludicrously incompetent could hardly have been invented.

Hence we must say that the church had either no supreme body which could speak in its name and modify its creed, its ritual, its discipline, or the details of its organisation; or else, that the only body which had in theory a right to interfere was doomed, by sufficient considerations, to absolute inaction. The church, from

a secular point of view, was not so much a department of the state as an aggregate of offices, the functions of which were prescribed by unalterable tradition. It consisted of a number of bishops, deans and chapters, rectors, vicars, curates, and so forth, many of whom had certain proprietary rights in their position, and who were bound by law to discharge certain functions. But the church, considered as a whole, could hardly be called an organism at all, or, if an organism, it was an organism with its central organ in a permanent state of paralysis. The church, again, in this state was essentially dependent upon the ruling classes. A glance at the position of the clergy shows their professional position. At their head were the bishops, some of them enjoying princely revenues, while others were so poor as to require that their incomes should be eked out by deaneries or livings held *in commendam.* The great sees, such as Canterbury, Durham, Ely, and Winchester, were valued at between £20,000 and £30,000 a year ; while the smaller, Llandaff, Bangor, Bristol, and Gloucester, were worth less than £2000. The bishops had patronage which enabled them to provide for relatives or for deserving clergymen. The average incomes of the parochial clergy, meanwhile, were small. In 1809 they were calculated to be worth £255, while nearly four thousand livings were worth under £150; and there were four or five thousand curates with very small pay. The profession, therefore, offered a great many blanks with a few enormous prizes. How were those prizes generally obtained? When the reformers published the *Black Book* in 1820, they gave a list of the bishops holding sees in the last year of George III.; and, as most of these gentlemen were on

their promotion at the end of the previous century. I give the list in a note.[1]

There were twenty-seven bishoprics including Sodor

[1] The list, checked from other sources of information, is as follows:—Manners Sutton, archbishop of Canterbury, was grandson of the third duke of Rutland; Edward Vernon, archbishop of York, was son of the first Lord Vernon and cousin of the third Lord Harcourt, whose estates he inherited; Shute Barrington, bishop of Durham, was son of the first and brother of the second Viscount Barrington; Brownlow North, bishop of Winchester, was uncle to the earl of Guildford; James Cornwallis, bishop of Lichfield, was uncle to the second marquis, whose peerage he inherited; George Pelham, bishop of Exeter, was brother of the earl of Chichester; Henry Bathurst, bishop of Norwich, was nephew of the first earl; George Henry Law, bishop of Chester, was brother of the first Lord Ellenborough; Edward Legge, bishop of Oxford, was son of the second earl of Dartmouth; Henry Ryder, bishop of Gloucester, was brother to the earl of Harrowby; George Murray, bishop of Sodor and Man, was nephew-in-law to the duke of Athol and brother-in-law to the earl of Kinnoul. Of the fourteen tutors, etc., mentioned above, William Howley, bishop of London, had been tutor to the prince of Orange at Oxford; George Pretyman Tomline, bishop of Lincoln, had been Pitt's tutor at Cambridge; Richard Beadon, bishop of Bath and Wells, had been tutor to the duke of Gloucester at Cambridge; Folliott Cornewall, bishop of Worcester, had been made chaplain to the House of Commons by the influence of his cousin, the Speaker; John Buckner, bishop of Chichester, had been tutor to the duke of Richmond; Henry William Majendie, bishop of Bangor, was the son of Queen Charlotte's English master, and had been tutor to William IV.; George Isaac Huntingford, bishop of Hereford, had been tutor to Addington, prime minister; Thomas Burgess, bishop of St. David's, was a personal friend of Addington; John Fisher, bishop of Salisbury, had been tutor to the duke of Kent; John Luxmoore, bishop of St. Asaph, had been tutor to the duke of Buccleugh; Samuel Goodenough, bishop of Carlisle, had been tutor to the sons of the third duke of Portland and was connected with Addington; William Lort Mansel, bishop of Bristol, had been tutor to Perceval at Cambridge, and owed to Perceval the mastership of Trinity; Walter King, bishop of Rochester, had been secretary to the duke of Portland; and Bowyer Edward Sparke, bishop of Ely, had been tutor to the duke of Rutland. The two remaining bishops were Herbert Marsh, bishop of Peterborough, who had established a claim by defending Pitt's financial measures in an important pamphlet; and William Van Mildert, bishop of Llandaff, who had been chaplain to the Grocers' Company and became known as a preacher in London.

and Man. Of these eleven were held by members of noble families; fourteen were held by men who had been tutors in, or in other ways personally connected with the royal family or the families of ministers and great men; and of the remaining two, one rested his claim upon political writing in defence of Pitt, while the other seems to have had the support of a great city company. The system of translation enabled the government to keep a hand upon the bishops. Their elevation to the more valuable places or leave to hold subsidiary preferments depended upon their votes in the House of Lords. So far, then, as secular motives operated, the tendency of the system was clear. If Providence had assigned to you a duke for a father or an uncle, preferment would fall to you as of right. A man of rank who takes orders should be rewarded for his condescension. If that qualification be not secured, you should aim at being tutor in a great family, accompany a lad on the grand tour, or write some pamphlet on a great man's behalf. Paley gained credit for independence at Cambridge, and spoke with contempt of the practice of 'rooting,' the cant phrase for patronage hunting. The text which he facetiously suggested for a sermon when Pitt visited Cambridge, 'There is a young man here who has six loaves and two fishes, but what are they among so many?' hit off the spirit in which a minister was regarded at the universities. The memoirs of Bishop Watson illustrate the same sentiment. He lived in his pleasant country house at Windermere, never visiting his diocese, and according to De Quincey, talking Socinianism at his table. He felt himself to be a deeply injured man, because ministers had never found an opportunity for

translating him to a richer diocese, although he had written against Paine and Gibbon. If they would not reward their friends, he argued, why should he take up their cause by defending Christianity?

The bishops were eminently respectable. They did not lead immoral lives, and if they gave a large share of preferment to their families, that at least was a domestic virtue. Some of them, Bishop Barrington of Durham, for example, took a lead in philanthropic movements; and, if considered simply as prosperous country-gentlemen, little fault could be found with them. While, however, every commonplace motive pointed so directly towards a career of subserviency to the ruling class among the laity, it could not be expected that they should take a lofty view of their profession. The Anglican clergy were not like the Irish priesthood, in close sympathy with the peasantry, or like the Scottish ministers, the organs of strong convictions spreading through the great mass of the middle and lower classes. A man of energy, who took his faith seriously, was, like the Evangelical clergy, out of the road to preferment, or, like Wesley, might find no room within the church at all. His colleagues called him an 'enthusiast,' and disliked him as a busybody if not a fanatic. They were by birth and adoption themselves members of the ruling class; many of them were the younger sons of squires, and held their livings in virtue of their birth. Advowsons are the last offices to retain a proprietary character. The church of that day owed such a representative as Horne Tooke to the system which enabled his father to provide for him by buying a living. From the highest to the lowest ranks of clergy, the church was as Matthew Arnold could

still call it, an 'appendage of the barbarians.' The clergy, that is, as a whole, were an integral but a subsidiary part of the aristocracy or the great landed interest. Their admirers urged that the system planted a cultivated gentleman in every parish in the country. Their opponents replied, like John Sterling, that he was a 'black dragoon with horse meat and man's meat'—part of the garrison distributed through the country to support the cause of property and order. In any case the instinctive prepossessions, the tastes and favourite pursuits of the profession were essentially those of the class with which it was so intimately connected. Arthur Young,[1] speaking of the French clergy, observes that at least they are not poachers and foxhunters, who divide their time between hunting, drinking, and preaching. You do not in France find such advertisements as he had heard of in England, 'Wanted a curacy in a good sporting country, where the duty is light and the neighbourhood convivial.' The proper exercise for a country clergyman, he rather quaintly observes, is agriculture. The ideal parson, that is, should be a squire in canonical dress. The clergy of the eighteenth century probably varied between the extremes represented by Trulliber and the Vicar of Wakefield. Many of them were excellent people, with a mild taste for literature, contributing to the *Gentleman's Magazine*, investigating the antiquities of their county, occasionally confuting a deist, exerting a sound judgment in cultivating their glebes or improving the breed of cattle, and respected both by squire and farmers. The 'Squarson,' in Sydney Smith's facetious phrase, was the

[1] *Travels in France* (1892), p. 327.

ideal clergyman. The purely sacerdotal qualities, good or bad, were at a minimum. Crabbe, himself a type of the class, has left admirable portraits of his fellows. Profound veneration for his noble patrons and hearty dislike for intrusive dissenters were combined in his own case with a pure domestic life, a keen insight into the uglier realities of country life and a good sound working morality. Miss Austen, who said that she could have been Crabbe's wife, has given more delicate pictures of the clergyman as he appeared at the tea-tables of the time. He varies according to her from the squire's excellent younger brother, who is simply a squire in a white neck-cloth, to the silly but still respectable sycophant, who firmly believes his lady patroness to be a kind of local deity. Many of the real memoirs of the day give pleasant examples of the quiet and amiable lives of the less ambitious clergy. There is the charming Gilbert White (1720-1793) placidly studying the ways of tortoises, and unconsciously composing a book which breathes an undying charm from its atmosphere of peaceful repose; William Gilpin (1724-1804) founding and endowing parish schools, teaching the catechism, and describing his vacation tours in narratives which helped to spread a love of natural scenery; and Thomas Gisborne (1758-1846), squire and clergyman, a famous preacher among the evangelicals and a poet after the fashion of Cowper, who loved his native Needwood Forest as White loved Selborne and Gilpin loved the woods of Boldre; and Cowper himself (1731-1800) who, though not a clergyman, lived in a clerical atmosphere, and whose gentle and playful enjoyment of quiet country life relieves the painfully deep pathos of his disordered

imagination; and the excellent W. L. Bowles (1762-1850), whose sonnets first woke Coleridge's imagination, who spent eighty-eight years in an amiable and blameless life, and was country-gentleman, magistrate, antiquary, clergyman, and poet.[1] Such names are enough to recall a type which has not quite vanished, and which has gathered a new charm in more stirring and fretful times. These most excellent people, however, were not likely to be prominent in movements destined to break up the placid environment of their lives nor, in truth, to be sources of any great intellectual stir.

VI. THE UNIVERSITIES

The effect of these conditions is perhaps best marked in the state of the universities. Universities have at different periods been great centres of intellectual life. The English universities of the eighteenth century are generally noted only as embodiments of sloth and prejudice. The judgments of Wesley and Gibbon and Adam Smith and Bentham coincide in regard to Oxford; and Johnson's love of his university is an equivocal testimony to its intellectual merits. We generally think of it as of a sleepy hollow, in which portly fellows of colleges, like the convivial Warton, imbibed port wine and sneered at Methodists, though few indeed rivalled Warton's services to literature. The universities in fact had become, as they long continued to be, high schools chiefly for the use of the clergy, and if they still aimed at some wider intellectual training, were sinking to be

[1] See *A Country Clergyman of the Eighteenth Century* (Thomas Twining), 1882, for a pleasant picture of the class.

institutions where the pupils of the public schools might, if they pleased, put a little extra polish upon their classical and mathematical knowledge. The colleges preserved their mediæval constitution; and no serious changes of their statutes were made until the middle of the present century. The clergy had an almost exclusive part in the management, and dissenters were excluded even from entering Oxford as students.[1] But the clergyman did not as a rule devote himself to a life of study. He could not marry as a fellow, but he made no vows of celibacy. The college, therefore, was merely a stepping-stone on the way to the usual course of preferment. A fellow looked forwards to settling in a college living, or if he had the luck to act as tutor to a nobleman, he might soar to a deanery or a bishopric. The fellows who stayed in their colleges were probably those who had least ambition, or who had a taste for an easy bachelor's life. The universities, therefore, did not form bodies of learned men interested in intellectual pursuits; but at most, helped such men in their start upon a more prosperous career. The studies flagged in sympathy. Gray's letters sufficiently reveal the dulness which was felt by a man of cultivation confined within the narrow society of college dons of the day. The scholastic philosophy which had once found enthusiastic cultivators in the great universities had more or less held its own through the seventeenth century, though repudiated by all the rising thinkers. Since the days of Locke and Berkeley, it had fallen utterly out of credit. The bright common

[1] At Cambridge subscription was abolished for undergraduates in 1775; and bachelors of arts had only to declare themselves '*bona-fide* members of the church of England.'

sense of the polished society of the day looked upon the old doctrine with a contempt, which, if not justified by familiarity, was an implicit judgment of the tree by its fruits. Nobody could suppose the divines of the day to be the depositaries of an esoteric wisdom which the vulgar were not worthy to criticise. They were themselves chiefly anxious to prove that their sacred mysteries were really not at all mysterious, but merely one way of expressing plain common sense. At Oxford, indeed, the lads were still crammed with Aldrich, and learned the technical terms of a philosophy which had ceased to have any real life in it. At Cambridge, ardent young radicals spoke with contempt of this 'horrid jargon—fit only to be chattered by monkies in a wilderness.'[1] Even at Cambridge, they still had disputations on the old form, but they argued theses from Locke's essay, and thought that their mathematical studies were a check upon metaphysical 'jargon.' It is indeed characteristic of the respect for tradition that at Cambridge even mathematics long suffered from a mistaken patriotism which resented any improvement upon the methods of Newton. There were some signs of reviving activity. The fellowships were being distributed with less regard to private interest. The mathematical tripos founded at Cambridge in the middle of the century became the prototype of all competitive examinations; and half a century later Oxford followed the precedent by the Examination Statute of 1800. A certain number of professorships of such modern studies as anatomy, history, botany, and geology were founded during the eighteenth century, and show a certain sense of a need of broader views. The lectures

[1] Gilbert Wakefield's *Memoirs*, ii. 149.

upon which Blackstone founded his commentaries were the product of the foundation of the Vinerian professorship in 1751; and the most recent of the Cambridge colleges, Downing College, shows by its constitution that a professoriate was now considered to be desirable. Cambridge in the last years of the century might have had a body of very eminent professors. Watson, second wrangler of 1759, had delivered lectures upon chemistry, of which it was said by Davy that hardly any conceivable change in the science could make them obsolete.[1] Paley, senior wrangler in 1763, was an almost unrivalled master of lucid exposition, and one of his works is still a text-book at Cambridge. Isaac Milner, senior wrangler in 1774, afterwards held the professorships of mathematics and natural philosophy, and was famous as a sort of ecclesiastical Dr. Johnson. Gilbert Wakefield, second wrangler in 1776, published an edition of Lucretius, and was a man of great ability and energy. Herbert Marsh, second wrangler in 1779, was divinity professor from 1807, and was the first English writer to introduce some knowledge of the early stages of German criticism. Porson, the greatest Greek scholar of his time, became professor in 1790; Malthus, ninth wrangler in 1788, who was to make a permanent mark upon political economy, became fellow of Jesus College in 1793. Waring, senior wrangler in 1757; Vince, senior wrangler in 1775, and Wollaston, senior wrangler in 1783, were also professors and mathematicians of reputation. Towards the end of the century ten professors were lecturing.[2] A large number were not lecturing,

[1] De Quincey, *Works* (1863), ii. 106.
[2] Wordsworth's *University Life, etc.* (1874), 83-87.

though Milner was good enough to be 'accessible to students.' Paley and Watson had been led off into the path of ecclesiastical preferment. Marsh too became a bishop in 1816. There was no place for such talents as those of Malthus, who ultimately became professor at Haileybury. Wakefield had the misfortune of not being able to cover his heterodoxy with the conventional formula. Porson suffered from the same cause, and from less respectable weaknesses; but it seems that the university had no demand for services of the great scholar, and he did nothing for his £40 a year. Milner was occupied in managing the university in the interests of Pitt and Protestantism, and in waging war against Jacobins and intruders. There was no lack of ability; but there was no inducement to any intellectual activity for its own sake; and there were abundant temptations for any man of energy to diverge to the career which offered more intelligible rewards.

The universities in fact supplied the demand which was actually operative. They provided the average clergyman with a degree; they expected the son of the country-gentleman or successful lawyer to acquire the traditional culture of his class, and to spend three or four years pleasantly, or even, if he chose, industriously. But there was no such thing as a learned society, interested in the cultivation of knowledge for its own sake, and applauding the devotion of life to its extension or discussion. The men of the time who contributed to the progress of science owed little or nothing to the universities, and were rather volunteers from without, impelled by their own idiosyncrasies. Among the scientific leaders, for example, Joseph Black (1728-1799) was a

Scottish professor; Priestley (1733-1804) a dissenting minister; Cavendish (1731-1810) an aristocratic recluse, who, though he studied at Cambridge, never graduated; Watt (1736-1819) a practical mechanician; and Dalton (1766-1844) a Quaker schoolmaster. John Hunter (1728-1793) was one of the energetic Scots who forced their way to fame without help from English universities. The cultivation of the natural sciences was only beginning to take root; and the soil, which it found congenial, was not that of the great learned institutions, which held to their old traditional studies.

I may, then, sum up the result in a few words. The church had once claimed to be an entirely independent body, possessing a supernatural authority, with an organisation sanctioned by supernatural powers, and entitled to lay down the doctrines which gave the final theory of life. Theology was the queen of the sciences and theologians the interpreters of the first principles of all knowledge and conduct. The church of England, on the other hand, at our period had entirely ceased to be independent: it was bound hand and foot by acts of parliament: there was no ecclesiastical organ capable of speaking in its name, altering its laws or defining its tenets: it was an aggregate of offices the appointment to which was in the hands either of the political ministers or of the lay members of the ruling class. It was in reality simply a part of the ruling class told off to perform divine services: to maintain order and respectability and the traditional morality. It had no distinctive philosophy or theology, for the articles of belief represented simply a compromise; an attempt to retain as much of the old as was practicable and yet to admit as

much of the new as was made desirable by political considerations. It was the boast of its more liberal members that they were not tied down to any definite dogmatic system; but could have a free hand so long as they did not wantonly come into conflict with some of the legal formulæ laid down in a previous generation. The actual teaching showed the effects of the system. It had been easy to introduce a considerable leaven of the rationalism which suited the lay mind; to explain away the mysterious doctrines upon which an independent church had insisted as manifestations of its spiritual privileges, but which were regarded with indifference or contempt by the educated laity now become independent. The priest had been disarmed and had to suit his teaching to the taste of his patrons and congregations. The divines of the eighteenth century had, as they boasted, confuted the deists; but it was mainly by showing that they could be deists in all but the name. The dissenters, less hampered by legal formulæ, had drifted towards Unitarianism. The position of such divines as Paley, Watson, and Hey was not so much that the Unitarians were wrong, as that the mysterious doctrines were mere sets of words, over which it was superfluous to quarrel. The doctrine was essentially traditional; for it was impossible to represent the doctrines of the church of England as deductions from any abstract philosophy. But the traditions were not regarded as having any mysterious authority. Abstract philosophy might lead to deism or infidelity. Paley and his like rejected such philosophy in the spirit of Locke or even Hume. But it was always possible to treat a tradition like any other statement of fact. It could be proved by appropriate evidence. The truth of Chris-

tianity was therefore merely a question of facts like the truth of any other passages of history. It was easy enough to make out a case for the Christian miracles, and then the mysteries, after it had been sufficiently explained that they really meant next to nothing, could be rested upon the authority of the miracles. In other words, the accepted doctrines, like the whole constitution of the church, could be so modified as to suit the prejudices and modes of thought of the laity. The church, it may be said, was thoroughly secularised. The priest was no longer a wielder of threats and an interpreter of oracles, but an entirely respectable gentleman, who fully sympathised with the prejudices of his patron and practically admitted that he had very little to reveal, beyond explaining that his dogmas were perfectly harmless and eminently convenient. He preached, however, a sound common-sense morality, and was not divided from his neighbours by setting up the claims characteristic of a sacerdotal caste. Whether he has become on the whole better or worse by subsequent changes is a question not to be asked here; but perhaps not quite so easily answered as is sometimes supposed.

The condition of the English church and universities may be contrasted with that of their Scottish rivals. The Scottish church and universities had no great prizes to offer and no elaborate hierarchy. But the church was a national institution in a sense different from the English. The General Assembly was a powerful body, not overshadowed by a great political rival. To rise to be a minister was the great ambition of poor sons of farmers and tradesmen. They had to study at the universities in the intervals, perhaps, of agricultural labour; and if

the learning was slight and the scholarship below the English standard, the young aspirant had at least to learn to preach and to acquire such philosophy as would enable him to argue upon grace and freewill with some hard-headed Davie Deans. It was doubtless owing in part to these conditions that the Scottish universities produced many distinguished teachers throughout the century. Professors had to teach something which might at least pass for philosophy, though they were more or less restrained by the necessity of respecting orthodox prejudices. At the end of the century, the only schools of philosophy in the island were to be found in Scotland, where Reid (1710-1796) and Adam Smith (1723-1790) had found intelligent disciples, and where Dugald Stewart, of whom I shall speak presently, had become the recognised philosophical authority.

VII. THEORY

What theory corresponds to this practical order? It implies, in the first place, a constant reference to tradition. The system has grown up without any reference to abstract principles or symmetrical plan. The legal order supposes a traditional common law, as the ecclesiastical order a traditional creed, and the organisation is explicable only by historical causes. The system represents a series of compromises, not the elaboration of a theory. If the squire undertook by way of supererogation to justify his position he appealed to tradition and experience. He invoked the 'wisdom of our ancestors,' the system of 'checks and balances' which made our Constitution an unrivalled mixture of monarchy, aristocracy, and democracy

deserving the 'dread and envy of the world.' The prescription for compounding that mixture could obviously be learned by nothing but experiment. Traditional means empirical. By instinct, rather than conscious reasoning, Englishmen had felt their way to establishing the 'palladia of our liberties': trial by jury, the 'Habeas Corpus' Act, and the substitution of a militia for a standing army. The institutions were cherished because they had been developed by long struggles and were often cherished when their real justification had disappeared. The Constitution had not been 'made' but had 'grown'; or, in other words, the one rule had been the rule of thumb. That is an excellent rule in its way, and very superior to an abstract rule which neglects or overrides experience. The 'logic of facts,' moreover, may be trusted to produce a certain harmony: and general principles, though not consciously invoked, tacitly govern the development of institutions worked out under uniform conditions. The simple reluctance to pay money without getting money's worth might generate the important principle that representation should go with taxation, without embodying any theory of a 'social contract' such as was offered by an afterthought to give a philosophical sanction. Englishmen, it is said, had bought their liberties step by step, because at each step they were in a position to bargain with their rulers. What they had bought they were determined to keep and considered to be their inalienable property. One result is conspicuous. In England the ruling classes did not so much consider their privileges to be something granted by the state, as the power of the state to be something derived from their concessions. Though

the lord-lieutenant and the justices of the peace were nominated by the crown, their authority came in fact as an almost spontaneous consequence of their birthright or their acquired position in the country. They shone by their own light and were really the ultimate sources of authority. Seats in parliament, preferments in the church, commissions in the army belonged to them like their estates; and they seemed to be qualified by nature, rather than by appointment, to act in judicial and administrative capacities. The system of 'self-government' embodies this view. The functions of government were assigned to men already powerful by their social position. The absence of the centralised hierarchy of officials gave to Englishmen the sense of personal liberty which compelled the admiration of Voltaire and his countrymen in the eighteenth century. In England were no *lettres de cachet*, and no Bastille. A man could say what he thought and act without fear of arbitrary rule. There was no such system as that which, in France, puts the agents of the central power above the ordinary law of the land. This implies what has been called the 'rule of the law' in England. 'With us every official from the prime minister down to a constable or a collector of taxes' (as Professor Dicey explains the principle) 'is under the same responsibility for every act done without legal justification as any other citizen'[1] The early centralisation of the English monarchy had made the law supreme, and instead of generating a new structure had combined and regulated the existing social forces. The sovereign power was thus farmed to the aristocracy

[1] Professor Dicey's *Lectures on the Law of the Constitution* (1885), p. 178. Professor Dicey gives an admirable exposition of the 'rule of law.'

instead of forming an organ of its own. Instead of resigning power they were forced to exercise it on condition of thorough responsibility to the central judiciary. Their privileges were not destroyed but were combined with the discharge of corresponding duties. Whatever their shortcomings, they were preserved from the decay which is the inevitable consequence of a divorce of duties from privileges.

Another aspect of the case is equally clear. If the privilege is associated with a duty, the duty may also be regarded as a privilege. The doctrine seems to mark a natural stage in the evolution of the conception of duty to the state. The power which is left to a member of the ruling class is also part of his dignity. Thus we have an amalgamation between the conceptions of private property and public trust. 'In so far as the ideal of feudalism is perfectly realised,' it has been said,[1] 'all that we can call public law is merged in private law; jurisdiction is property; office is property; the kingship itself is property.' This feudal ideal was still preserved with many of the institutions descended from feudalism. The King's right to his throne was regarded as of the same kind as the right to a private estate. His rights as king were also his rights as the owner of the land.[2] Subordinate landowners had similar rights, and as the royal power diminished

[1] Pollock and Maitland's *History of English Law*, i. 208.

[2] A characteristic consequence is that Hale and Blackstone make no distinction between public and private law. Austin (*Jurisprudence* (1869), 773-76) applauds them for this peculiarity, which he regards as a proof of originality, though it would rather seem to be an acceptance of the traditional view. Austin, however, retorts the charge of *Verwirrung* upon German critics.

greater powers fell to the aggregate of constitutional kinglets who governed the country. Each of them was from one point of view an official, but each also regarded his office as part of his property. The country belonged to him and his class rather than he to the country. We occasionally find the quaint theory which deduced political rights from property in land. The freeholders were the owners of the soil and might give notice to quit to the rest of the population.[1] They had therefore a natural right to carry on government in their own interests. The ruling classes, however, were not marked off from others by any deep line of demarcation; they could sell their own share in the government to anybody who was rich enough to buy it, and there was a constant influx of new blood. Moreover, they did in fact improve their estate with very great energy, and discharged roughly, but in many ways efficiently, the duties which were also part of their property. The nobleman or even the squire was more than an individual; as head of a family he was a life tenant of estates which he desired to transmit to his descendants. He was a 'corporation sole' and had some of the spirit of a corporation. A college or a hospital is founded to discharge a particular function; its members continue perhaps to recognise their duty; but they resent any interference from outside as sacrilege or confiscation. It is for them alone to judge how they can best carry out, and whether they are actually carrying out, the aims of the corporate life. In the same way the great noble took his part in legislation,

[1] This is the theory of Defoe in his *Original Power of the People of England* (Works by Hazlitt, vol iii. See especially p. 57).

church preferment, the command of the army, and so forth, and fully admitted that he was bound in honour to play his part effectively; but he was equally convinced that he was subject to nothing outside of his sense of honour. His duties were also his rights. The naïf expression of this doctrine by a great borough proprietor, 'May I not do what I like with my own?' was to become proverbial.[1]

This, finally, suggests that a doctrine of 'individualism' is implied throughout. The individual rights are the antecedent and the rights of the state a consequent or corollary. Every man has certain sacred rights accruing to him in virtue of 'prescription' or tradition, through his inherited position in the social organism. The 'rule of law' secures that he shall exercise them without infringing the privileges of his neighbour. He may moreover be compelled by the law to discharge them on due occasion. But, as there is no supreme body which can sufficiently superintend, stimulate, promote, or dismiss, the active impulse must come chiefly from his own sense of the fitness of things. The efficiency therefore depends upon his being in such a position that his duty may coincide with his personal interest. The political machinery can only work efficiently on the assumption of a spontaneous activity of the ruling classes, prompted by public spirit or a sense of personal dignity. Meanwhile, 'individualism' in a different sense was represented by the forces which made for progress rather than order, and to them I must now turn.

[1] The fourth duke of Newcastle in the House of Lords, 3 Dec. 1830.

CHAPTER II

THE INDUSTRIAL SPIRIT

I. THE MANUFACTURERS

THE history of England during the eighteenth century shows a curious contrast between the political stagnancy and the great industrial activity. The great constitutional questions seemed to be settled ; and the statesmen, occupied mainly in sharing power and place, took a very shortsighted view (not for the first time in history) of the great problems that were beginning to present themselves. The British empire in the East was not won by a towering ambition so much as forced upon a reluctant commercial company by the necessities of its position. The English race became dominant in America ; but the political connection was broken off mainly because English statesmen could only regard it from the shopkeeping point of view. When a new world began to arise at the Antipodes, our rulers saw an opportunity not for planting new offshoots of European civilisation, but for ridding themselves of the social rubbish no longer accepted in America. With purblind energy, and eyes doggedly fixed upon the ground at their feet, the race had somehow pressed forwards to illustrate the old doctrine that a man never goes so far as when he does

not know whither he is going. While thinking of earning an honest penny by extending the trade, our 'monied-men' were laying the foundation of vast structures to be developed by their descendants.

Politicians, again, had little to do with the great 'industrial revolution' which marked the last half of the century. The main facts are now a familiar topic of economic historians; nor need I speak of them in detail. Though agriculture was still the main industry, and the landowners almost monopolised political power, an ever growing proportion of the people was being collected in towns; the artisans were congregating in large factories; and the great cloud of coal-smoke, which has never dwindled, was already beginning to darken our skies. The change corresponds to the difference between a fully developed organism possessed of a central brain, with an elaborate nervous system, and some lower form in which the vital processes are still carried on by a number of separate ganglia. The concentration of the population in the great industrial centres implied the improvement of the means of commerce; new organisation of industry provided with a corresponding apparatus of machinery; and the systematic exploitation of the stored-up forces of nature. Each set of changes was at once cause and effect, and each was carried on separately, although in relation to the other. Brindley, Arkwright, and Watt may be taken as typical representatives of the three operations. Canals, spinning-jennies, and steam-engines were changing the whole social order.

The development of means of communication had been slow till the last half of the century. The roads had

been little changed since they had been first laid down as part of the great network which bound the Roman empire together. Turnpike acts, sanctioning the construction of new roads, became numerous. Palmer's application of the stage-coaches to the carriage of the mails marked an epoch in 1784; and De Quincey's prose poem, 'The Mail-coach,' shows how the unprecedented speed of Palmer's coaches, then spreading the news of the first battles in the Peninsula, had caused them to tyrannise over the opium-eater's dreams. They were discharging at once a political and an industrial function. Meanwhile the Bridgewater canal, constructed between 1759 and 1761, was the first link in a great network which, by the time of the French revolution, connected the seaports and the great centres of industry. The great inventions of machinery were simultaneously enabling manufacturers to take advantage of the new means of communication. The cotton manufacture sprang up soon after 1780 with enormous rapidity. Aided by the application of steam (first applied to a cotton mill in 1785) it passed the woollen trade, the traditional favourite of legislators, and became the most important branch of British trade. The iron trade had made a corresponding start. While the steam-engine, on which Watt had made the first great improvement in 1765, was transforming the manufacturing system, and preparing the advent of the steamship and railroad, Great Britain had become the leading manufacturing and commercial country in the world. The agricultural interest was losing its pre-eminence; and huge towns with vast aggregations of artisan population were beginning to spring up with unprecedented rapidity. The change

was an illustration upon a gigantic scale of the doctrines expounded in the *Wealth of Nations*. Division of labour was being applied to things more important than pin-making, involving a redistribution of functions not as between men covered by the same roof, but between whole classes of society; between the makers of new means of communication and the manufacturers of every kind of material. The whole industrial community might be regarded as one great organism. Yet the organisation was formed by a multitude of independent agencies without any concerted plan. It was thus a vast illustration of the doctrine that each man by pursuing his own interests promoted the interests of the whole, and that government interference was simply a hindrance. The progress of improvement, says Adam Smith, depends upon 'the uniform, constant, and uninterrupted effort of every man to better his condition,' which often succeeds in spite of the errors of government, as nature often overcomes the blunders of doctors. It is, as he infers, 'the highest impertinence and presumption for kings and ministers to pretend to watch over the economy of private people' by sumptuary laws and taxes upon imports.[1] To the English manufacturer or engineer government appeared as a necessary evil. It allowed the engineer to make roads and canals, after a troublesome and expensive process of application. It granted patents to the manufacturer, but the patents were a source of perpetual worry and litigation. The Chancellor of the Exchequer might look with complacency upon the development of a new branch of trade; but it

[1] *Wealth of Nations*, bk. ii. ch. iii.

was because he was lying in wait to come down upon it with a new tax or system of duties.

The men who were the chief instruments of the process were 'self-made'; they were the typical examples of Mr. Smiles's virtue of self-help; they owed nothing to government or to the universities which passed for the organs of national culture. The leading engineers began as ordinary mechanics. John Metcalf (1717-1810), otherwise 'blind Jack of Knaresborough,' was a son of poor parents. He had lost his sight by smallpox at the age of six, and, in spite of his misfortune, became a daring rider, wrestler, soldier, and carrier, and made many roads in the north of England, executing surveys and constructing the works himself. James Brindley (1716-1772), son of a midland collier, barely able to read or write, working out plans by processes which he could not explain, and lying in bed till they took shape in his brain, a rough mechanic, labouring for trifling weekly wages, created the canals which mainly enabled Manchester and Liverpool to make an unprecedented leap in prosperity. The two great engineers, Thomas Telford (1757-1834), famous for the Caledonian canal and the Menai bridge; and John Rennie (1761-1821), drainer of Lincolnshire fens, and builder of Waterloo bridge and the Plymouth breakwater, rose from the ranks. Telford inherited and displayed in a different direction the energies of Eskdale borderers, whose achievements in the days of cattle-stealing were to be made famous by Scott: Rennie was the son of an East Lothian farmer. Both of them learned their trade by actual employment as mechanics. The inventors of machinery belonged mainly to the lower middle classes. Kay was

a small manufacturer; Hargreaves a hand-loom weaver; Crompton the son of a small farmer; and Arkwright a country barber. Watt, son of a Greenock carpenter, came from the sturdy Scottish stock, ultimately of covenanting ancestry, from which so many eminent men have sprung.

The new social class, in which such men were the leaders, held corresponding principles. They owed whatever success they won to their own right hands. They were sturdy workers, with eyes fixed upon success in life, and success generally of course measured by a money criterion. Many of them showed intellectual tastes, and took an honourable view of their social functions. Watt showed his ability in scientific inquiries outside of the purely industrial application; Josiah Wedgwood, in whose early days the Staffordshire potters had led a kind of gipsy life, settling down here and there to carry on their trade, had not only founded a great industry, but was a man of artistic taste, a patron of art, and a lover of science. Telford, the Eskdale shepherd, was a man of literary taste, and was especially friendly with the typical man of letters, Southey. Others, of course, were of a lower type. Arkwright combined the talents of an inventor with those of a man of business. He was a man, says Baines (the historian of the cotton trade), who was sure to come out of an enterprise with profit, whatever the result to his partners. He made a great fortune, and founded a county family. Others rose in the same direction. The Peels, for example, represented a line of yeomen. One Peel founded a cotton business; his son became a baronet and an influential member of parliament; and his grandson went to Oxford, and became the

great leader of the Conservative party, although like Walpole, he owed his power to a kind of knowledge in which his adopted class were generally deficient.

The class which owed its growing importance to the achievements of such men was naturally imbued with their spirit. Its growth meant the development of a class which under the old order had been strictly subordinate to the ruling class, and naturally regarded it with a mingled feeling of respect and jealousy. The British merchant felt his superiority in business to the average country-gentleman; he got no direct share of the pensions and sinecures which so profoundly affected the working of the political machinery, and yet his highest ambition was to rise to be himself a member of the class, and to found a family which might flourish in the upper atmosphere. The industrial classes were inclined to favour political progress within limits. They were dissenters because the church was essentially part of the aristocracy; and they were readiest to denounce the abuses from which they did not profit. The agitators who supported Wilkes, solid aldermen and rich merchants, represented the view which was popular in London and other great cities. They were the backbone of the Whig party when it began to demand a serious reform. Their radicalism, however, was not thoroughly democratic. Many of them aspired to become members of the ruling class, and a shopkeeper does not quarrel too thoroughly with his customers. The politics of individuals were of course determined by accidents. Some of them might retain the sympathy of the class from which they sprang, and others might adopt an even extreme version of the opinions of the class to which they

desired to rise. But, in any case, the divergence of interest between the capitalists and the labourers was already making itself felt. The self-made man, it is said, is generally the hardest master. He approves of the stringent system of competition, of which he is himself a product. It clearly enables the best man to win, for is he not himself the best man? The class which was the great seat of movement had naturally to meet all the prejudices which are roused by change. The farmers near London, as Adam Smith tells us,[1] petitioned against an extension of turnpike roads, which would enable more distant farmers to compete in their market. But the farmers were not the only prejudiced persons. All the great inventors of machinery, Kay and Arkwright and Watt, had constantly to struggle against the old workmen who were displaced by their inventions. Although, therefore, the class might be Whiggish, it did not share the strongest revolutionary passions. The genuine revolutionists were rather the men who destroyed the manufacturer's machines, and were learning to regard him as a natural enemy. The manufacturer had his own reasons for supporting government. Our foreign policy during the century was in the long run chiefly determined by the interests of our trade, however much the trade might at times be hampered by ill-conceived regulations. It is remarkable that Adam Smith[2] argues that, although the capitalist is acuter than the country-gentleman, his acuteness is chiefly displayed by knowing his own interests better. Those interests, he thinks, do not coincide so much as the interests of the country-gentleman with the general interests of the country. Consequently the

[1] *Wealth of Nations*, bk. i. ch. xi. § 1. [2] *Ibid.* bk. i. ch. xi. conclusion.

country-gentleman, though less intelligent, is more likely to favour a national and liberal policy. The merchant, in fact, was not a free-trader because he had read Adam Smith or consciously adopted Smith's principles, but because or in so far as particular restrictions interfered with him. Arthur Young complains bitterly of the manufacturers who supported the prohibition to export English wool, and so protected their own class at the expense of agriculturists. Wedgwood, though a good liberal and a supporter of Pitt's French treaty in 1786, joined in protesting against the proposal for free-trade with Ireland. The Irish, he thought, might rival his potteries. Thus, though as a matter of fact the growing class of manufacturers and merchants were inclined in the main to liberal principles, it was less from adhesion to any general doctrine than from the fact that the existing restrictions and prejudices generally conflicted with their plain interests.

Another characteristic is remarkable. Though the growth of manufactures and commerce meant the growth of great towns, it did not mean the growth of municipal institutions. On the contrary, as I shall presently have to notice, the municipalities were sinking to their lowest ebb. Manufactures, in the first instance, spread along the streams into country districts: and to the great manufacturer, working for his own hand, his neighbours were competitors as much as allies. The great towns, however, which were growing up, showed the general tendencies of the class. They were centres not only of manufacturing but of intellectual progress. The population of Birmingham, containing the famous Soho works of Boulton and Watt, had increased between 1740 and

1780 from 24,000 to 74,000 inhabitants. Watt's partner Boulton started the 'Lunar Society' at Birmingham.[1] Its most prominent member was Erasmus Darwin, famous then for poetry which is chiefly remembered by the parody in the *Anti-Jacobin*; and now more famous as the advocate of a theory of evolution eclipsed by the teaching of his more famous grandson, and, in any case, a man of remarkable intellectual power. Among those who joined in the proceedings was Edgeworth, who in 1768 was speculating upon moving carriages by steam, and Thomas Day, whose *Sandford and Merton* helped to spread in England the educational theories of Rousseau. Priestley, who settled at Birmingham in 1780, became a member, and was helped in his investigations by Watt's counsels and Wedgwood's pecuniary help. Among occasional visitors were Smeaton, Sir Joseph Banks, Solander, and Herschel of scientific celebrity; while the literary magnate, Dr. Parr, who lived between Warwick and Birmingham, occasionally joined the circle. Wedgwood, though too far off to be a member, was intimate with Darwin and associated in various enterprises with Boulton. Wedgwood's congenial partner, Thomas Bentley (1731-1780), had been in business at Manchester and at Liverpool. He had taken part in founding the Warrington 'Academy,' the dissenting seminary (afterwards moved to Manchester) of which Priestley was tutor (1761-1767), and had lectured upon art at the academy founded at Liverpool in 1773. Another member of the academy was William Roscoe (1753-1831), whose literary taste was shown by his lives of Lorenzo de Medici and Leo x.,

[1] Smiles's *Watt and Boulton*, p. 292.

and who distinguished himself by opposing the slave-trade, then the infamy of his native town. Allied with him in this movement were William Rathbone and James Currie (1756-1805) the biographer of Burns, a friend of Darwin and an intelligent physician. At Manchester Thomas Perceval (1740-1804) founded the 'Literary and Philosophical Society' in 1780. He was a pupil of the Warrington Academy, which he afterwards joined on removing to Manchester, and he formed the scheme afterwards realised by Owens College. He was an early advocate of sanitary measures and factory legislation, and a man of scientific reputation. Other members of the society were: John Ferriar (1761-1815), best known by his *Illustrations of Sterne*, but also a man of literary and scientific reputation ; the great chemist, John Dalton (1766-1844), who contributed many papers to its transactions ; and, for a short time, the Socialist Robert Owen, then a rising manufacturer. At Norwich, then important as a manufacturing centre, was a similar circle. William Taylor, an eminent Unitarian divine, who died at the Warrington Academy in 1761, had lived at Norwich. One of his daughters married David Martineau and became the mother of Harriet Martineau, who has described the Norwich of her early years. John Taylor, grandson of William, was father of Mrs. Austin, wife of the jurist. He was a man of literary tastes, and his wife was known as the Madame Roland of Norwich. Mrs. Opie (1765-1853) was daughter of James Alderson, a physician of Norwich, and passed most of her life there. William Taylor (1761-1836), another Norwich manufacturer, was among the earliest English students of German literature. Norwich had afterwards the

unique distinction of being the home of a provincial school of artists. John Crome (1788-1821), son of a poor weaver, and John Sell Cotman (1782-1842) were its leaders; they formed a kind of provincial academy, and exhibited pictures which have been more appreciated since their death. At Bristol, towards the end of the century, were similar indications of intellectual activity. Coleridge and Southey found there a society ready to listen to their early lectures, and both admired Thomas Beddoes (1760-1808), a physician, a chemist, a student of German, an imitator of Darwin in poetry, and an assailant of Pitt in pamphlets. He had married one of Edgeworth's daughters. With the help and advice of Wedgwood and Watt, he founded the 'Pneumatic Institute' at Clifton in 1798, and obtained the help of Humphry Davy, who there made some of his first discoveries. Davy was soon transported to the Royal Institution, founded at the suggestion of Count Rumford in 1799, which represented the growth of a popular interest in the scientific discoveries.

The general tone of these little societies represents, of course, the tendency of the upper stratum of the industrial classes. In their own eyes they naturally represented the progressive element of society. They were Whigs—for 'radicalism' was not yet invented—but Whigs of the left wing; accepting the aristocratic precedency, but looking askance at the aristocratic prejudices. They were rationalists, too, in principle, but again within limits: openly avowing the doctrines which in the Established church had still to be sheltered by ostensible conformity to the traditional dogmas. Many of them professed the Unitarianism to which the old

dissenting bodies inclined. 'Unitarianism,' said shrewd old Erasmus Darwin, 'is a feather-bed for a dying Christian.' But at present such men as Priestley and Price were only so far on the road to a thorough rationalism as to denounce the corruptions of Christianity, as they denounced abuses in politics, without anticipating a revolutionary change in church and state. Priestley, for example, combined 'materialism' and 'determinism' with Christianity and a belief in miracles, and controverted Horsley upon one side and Paine on the other.

II. THE AGRICULTURISTS

The general spirit represented by such movements was by no means confined to the commercial or manufacturing classes; and its most characteristic embodiment is to be found in the writings of a leading agriculturist.

Arthur Young,[1] born in 1741, was the son of a clergyman, who had also a small ancestral property at Bradfield, near Bury St. Edmunds. Accidents led to his becoming a farmer at an early age. He showed more zeal than discretion, and after trying three thousand experiments on his farm, he was glad to pay £100 to another tenant to take his farm off his hands. This experience as a practical agriculturist, far from discouraging him, qualified him in his own opinion to speak with authority,

[1] Young's *Travels in France* was republished in 1892, with a preface and short life by Miss Betham Edwards. She has since (1898) published his autobiography. See also the autobiographical sketch in the *Annals of Agriculture*, xv. 152-97. Young's *Farmer's Letters* first appeared in 1767; his *Tours* in the Southern, Northern, and Eastern Counties in 1768, 1770, and 1771; his *Tour in Ireland* in 1780; and his *Travels in France* in 1792. A useful bibliography, containing a list of his many publications, is appended to the edition of the *Tour in Ireland* edited by Mr. A. W. Hutton in 1892.

and he became a devoted missionary of the gospel of agricultural improvement. The enthusiasm with which he admired more successful labourers in the cause, and the indignation with which he regards the sluggish and retrograde, are charming. His kindliness, his keen interest in the prosperity of all men, rich or poor, his ardent belief in progress, combined with his quickness of observation, give a charm to the writings which embody his experience. Tours in England and a temporary land-agency in Ireland supplied him with materials for books which made him known both in England and on the Continent. In 1779 he returned to Bradfield, where he soon afterwards came into possession of his paternal estate, which became his permanent home. In 1784 he tried to extend his propaganda by bringing out the *Annals of Agriculture*—a monthly publication, of which forty-five half-yearly volumes appeared. He had many able contributors and himself wrote many interesting articles, but the pecuniary results were mainly negative. In 1791 his circulation was only 350 copies.[1] Meanwhile his acquaintance with the duc de Liancourt led to tours in France from 1788 to 1790. His *Travels in France*, first published in 1792, has become a classic. In 1793 Young was made secretary to the Board of Agriculture, of which I shall speak presently. He became known in London society as well as in agricultural circles. He was a handsome and attractive man, a charming companion, and widely recognised as an agricultural authority. The empress of Russia sent him a snuff-box; 'Farmer George' presented a merino ram; he was elected member of learned societies; he visited

[1] *Annals*, xv. 166.

Burke at Beaconsfield, Pitt at Holmwood, and was a friend of Wilberforce and of Jeremy Bentham.

Young had many domestic troubles. His marriage was not congenial; the loss of a tenderly loved daughter in 1797 permanently saddened him; he became blind, and in his later years sought comfort in religious meditation and in preaching to his poorer neighbours. He died 20th April 1820. He left behind him a gigantic history of agriculture, filling ten folio volumes of manuscript, which, though reduced to six by an enthusiastic disciple after his death, have never found their way to publication.

The *Travels in France*, Young's best book, owes one merit to the advice of a judicious friend, who remarked that the previous tours had suffered from the absence of the personal details which interest the common reader. The insertion of these makes Young's account of his French tours one of the most charming as well as most instructive books of the kind. It gives the vivid impression made upon a keen and kindly observer in all their freshness. He sensibly retained the expressions of opinion made at the time. 'I may remark at present,' he says,[1] 'that although I was totally mistaken in my prediction, yet, on a revision, I think I was right in it.' It was right, he means, upon the data then known to him, and he leaves the unfulfilled prediction as it was. The book is frequently cited in justification of the revolution, and it may be fairly urged that his authority is of the more weight, because he does not start from any sympathy with revolutionary principles. Young was in Paris when the oath was taken at the tennis-court; and

[1] *Travels in France* (1892), p. 184 *n*.

makes his reflections upon the beauty of the British Constitution, and the folly of visionary reforms, in a spirit which might have satisfied Burke. He was therefore not altogether inconsistent when, after the outrages, he condemned the revolution, however much the facts which he describes may tend to explain the inevitableness of the catastrophe. At any rate, his views are worth notice by the indications which they give of the mental attitude of a typical English observer.

Young in his vivacious way struck out some of the phrases which became proverbial with later economists. 'Give a man the secure possession of a bleak rock and he will turn it into a garden. Give him a nine years' lease of a garden, and he will convert it into a desert.'[1] 'The magic of PROPERTY turns sand to gold.'[2] He is delighted with the comfort of the small proprietors near Pau, which reminds him of English districts still inhabited by small yeomen.[3] Passing to a less fortunate region, he explains that the prince de Soubise has a vast property there. The property of a grand 'seigneur' is sure to be a desert.[4] The signs which indicate such properties are 'wastes, *landes*, deserts, fern, ling.' The neighbourhood of the great residences is well 'peopled—'with deer, wild boars, and wolves.' 'Oh,' he exclaims, 'if I was the legislator of France for a day, I would make such great lords skip again!' 'Why,' he asked, 'were the people miserable in lower Savoy?' '*Because*,' was the reply, '*there are seigneurs everywhere*.'[5] Misery in Brittany was due 'to the execrable maxims of despotism

[1] *Travels in France*, p. 54.
[2] *Ibid.* p. 109.
[3] *Ibid.* p. 61.
[4] *Ibid.* p. 70.
[5] *Ibid.* p. 279.

or the equally detestable prejudices of a feudal nobility.'[1] There was nothing, he said, in the province but 'privileges and poverty,'[2] privileges of the nobles and poverty of the peasants.

Young was profoundly convinced, moreover, that, as he says more than once[3] 'everything in this world depends on government.'[4] He is astonished at the stupidity and ignorance of the provincial population, and ascribes it to the lethargy produced by despotism.[4] He contrasts it with 'the energetic and rapid circulation of wealth, animation, and intelligence of England,' where 'blacksmiths and carpenters' would discuss every political event. And yet he heartily admires some of the results of a centralised monarchy. He compares the miserable roads in Catalonia on the Spanish side of the frontier with the magnificent causeways and bridges on the French side. The difference is due to the 'one all-powerful cause that instigates mankind . . . government.'[5] He admires the noble public works, the canal of Languedoc, the harbours at Cherbourg and Havre, and the *école vétérinaire* where agriculture is taught upon scientific principles.' He is struck by the curious contrast between France and England. In France the splendid roads are used by few travellers, and the inns are filthy pothouses; in England there are detestable roads, but a comparatively enormous traffic. When he wished to make the great nobles 'skip' he does not generally mean confiscation. He sees indeed one place where in 1790 the poor had seized a piece of waste land, declaring that the poor were the nation, and that the

[1] *Travels in France*, p. 125. [2] *Ibid.* p. 131. [3] *Ibid.* pp. 198, 298.
[4] *Ibid.* pp. 55, 193, 199, 237. [5] *Ibid.* p. 43.

waste belonged to the nation. He declares[1] that he considers their action 'wise, rational, and philosophical,' and wishes that there were a law to make such conduct legal in England. But his more general desire is that the landowners should be compelled to do their duty. He complains that the nobles live in 'wretched holes' in the country in order to save the means of expenditure upon theatres, entertainments, and gambling in the towns.[2] 'Banishment alone will force the French nobility to do what the English do for pleasure—to reside upon and adorn their estates.'[3] He explains to a French friend that English agriculture has flourished 'in spite of the teeth of our ministers'; we have had many Colberts, but not one Sully[4]; and we should have done much better, he thinks, had agriculture received the same attention as commerce. This is the reverse of Adam Smith's remark upon the superior liberality of the English country-gentleman, who did not, like the manufacturers, invoke protection and interference. In truth, Young desired both advantages, the vigour of a centralised government and the energy of an independent aristocracy. His absence of any general theory enables him to do justice in detail at the cost of consistency in general theory. In France, as he saw, the nobility had become in the main an encumbrance, a mere dead weight upon the energies of the agriculturist. But he did not infer that large properties in land were bad in themselves; for in England he saw that the landowners were the really energetic and improving class. He naturally looked at the problem from the point of view of an

[1] *Travels in France*, pp. 291-92.
[2] *Ibid.* p. 132.
[3] *Ibid.* p. 66.
[4] *Ibid.* p. 131.

intelligent land-agent. He is full of benevolent wishes for the labourer, and sympathises with the attempt to stimulate their industry and improve their dwellings, and denounces oppression whether in France or Ireland with the heartiest goodwill. But it is characteristic of the position that such a man—an enthusiastic advocate of industrial progress—was a hearty admirer of the English landowner. He sets out upon his first tour, announcing that he does not write for farmers, of whom not one in five thousand reads anything, but for the country-gentlemen, who are the great improvers. Tull, who introduced turnips; Weston, who introduced clover; Lord Townshend and Allen, who introduced 'marling' in Norfolk, were all country-gentlemen, and it is from them that he expects improvement. He travels everywhere, delighting in their new houses and parks, their picture galleries, and their gardens laid out by Kent or 'Capability Brown'; he admires scenery, climbs Skiddaw, and is rapturous over views of the Alps and Pyrenees; but he is thrown into a rage by the sight of wastes, wherever improvement is possible. What delights him is an estate with a fine country-house of Palladian architecture ('Gothic' is with him still a term of abuse),[1] with grounds well laid out and a good home-farm, where experiments are being tried, and surrounded by an estate in which the farm-buildings show the effects of the landlord's good example and judicious treatment of his tenantry. There was no want of such examples. He admires the marquis of Rockingham, at once the most honourable of statesmen and most judicious of improvers. He sings the praises of the duke of Portland, the earl of Darling-

[1] e.g. *Southern Tour*, p. 103; *Northern Tour*, p. 180 (York Cathedral).

ton, and the duke of Northumberland. An incautious announcement of the death of the duke of Grafton, remembered chiefly as one of the victims of Junius, but known to Young for his careful experiments in sheep-breeding, produced a burst of tears, which, as he believed, cost him his eyesight. His friend, the fifth duke of Bedford (died 1802), was one of the greatest improvers for the South, and was succeeded by another friend, the famous Coke of Holkham, afterwards earl of Leicester, who is said to have spent half a million upon the improvement of his property. Young appeals to the class in which such men were leaders, and urges them, not against their wishes, we may suppose, and, no doubt, with much good sense, to take to their task in the true spirit of business. Nothing, he declares, is more out of place than the boast of some great landowners that they never raise their rents.[1] High rents produce industry. The man who doubles his rents benefits the country more than he benefits himself. Even in Ireland,[2] a rise of rents is one great cause of improvement, though the rent should not be excessive, and the system of middlemen is altogether detestable. One odd suggestion is characteristic.[3] He hears that wages are higher in London than elsewhere. Now, he says, in a trading country low wages are essential. He wonders, therefore, that the legislature does not limit the growth of London.

This, we may guess, is one of the petulant utterances of early years which he would have disavowed or qualified upon maturer reflection. But Young is essentially

[1] *Northern Tour*, iv. 344, 377. [2] *Irish Tour*, ii. 114.
[3] *Southern Tour*, p. 326.

an apostle of the 'glorious spirit of improvement,'[1] which has converted Norfolk sheep-walks into arable fields, and was spreading throughout the country and even into Ireland. His hero is the energetic landowner, who makes two blades of grass grow where one grew before; who introduces new breeds of cattle and new courses of husbandry. He is so far in sympathy with the *Wealth of Nations*, although he says of that book that, while he knows of 'no abler work,' he knows of none 'fuller of poisonous errors.'[2] Young, that is, sympathised with the doctrine of the physiocrats that agriculture was the one source of real wealth, and took Smith to be too much on the side of commerce. Young, however, was as enthusiastic a free-trader as Smith. He naturally denounces the selfishness of the manufacturers who, in 1788, objected to the free export of English wool,[3] but he also assails monopoly in general. The whole system, he says (on occasion of Pitt's French treaty), is rotten to the core. The 'vital spring and animating soul of commerce is LIBERTY.[4]' Though he talks of the balance of trade, he argues in the spirit of Smith or Cobden that we are benefited by the wealth of our customers. If we have to import more silk, we shall export more cloth. Young, indeed, was everything but a believer in any dogmatic or consistent system of Political Economy, or, as he still calls it, Political Arithmetic. His opinions were not of the kind which can be bound to any rigid formulæ. After investigating the restrictions of rent and wages in different districts, he quietly accepts the conclusion that the difference is due to accident.[5] He

[1] *Southern Tour*, p. 22. [2] *Annals*, i. 380. [3] *Ibid.* vol. x.
[4] *Ibid.* iv. 17. [5] *Southern Tour*, p. 262; *Northern Tour*, ii. 412.

has as yet no fear of Malthus before his eyes. He is roused to indignation by the pessimist theory then common, that population was decaying.[1] Everywhere he sees signs of progress; buildings, plantations, woods, and canals. Employment, he says, creates population, stimulates industry, and attracts labour from backward districts. The increase of numbers is an unqualified benefit. He has no dread of excess. In Ireland, he observes, no one is fool enough to deny that population is increasing, though people deny it in England, 'even in the most productive period of her industry and wealth.'[2] One cause of this blessing is the absence of the poor-law. The English poor-law is detestable to him for a reason which contrasts significantly with the later opinion. The laws were made 'in the very spirit of depopulation'; they are 'monuments of barbarity and mischief'; for they give to every parish an interest in keeping down the population. This tendency was in the eyes of the later economist a redeeming feature in the old system; though it had been then so modified as to stimulate what they took to be the curse, as Young held it to be the blessing, of a rapid increase of population.

With such views Young was a keen advocate of the process of enclosure which was going on with increasing rapidity. He found a colleague, who may be briefly noticed as a remarkable representative of the same movement. Sir John Sinclair (1754-1835)[3] was heir to an estate of sixty thousand acres in Caithness which produced only £2300 a year, subject to many encum-

[1] *Northern Tour*, iv. 410, etc. [2] *Irish Tour*, ii. 118-19.

[3] *Memoirs of Sir John Sinclair*, by his son. 2 vols., 1837.

brances. The region was still in a primitive state. There were no roads: agriculture was of the crudest kind; part of the rent was still paid in feudal services; the natives were too ignorant or lazy to fish, and there were no harbours. Trees were scarce enough to justify Johnson, and a list of all the trees in the country included currant-bushes.[1] Sinclair was a pupil of the poet Logan: studied under Blair at Edinburgh and Millar at Glasgow; became known to Adam Smith, and, after a short time at Oxford, was called to the English bar. Sinclair was a man of enormous energy, though not of vivacious intellect. He belonged to the prosaic breed, which created the 'dismal science,' and seems to have been regarded as a stupendous bore. Bores, however, represent a social force not to be despised, and Sinclair was no exception.

His father died when he was sixteen. When twenty years old he collected his tenants, and in one night made a road across a hill which had been pronounced impracticable. He was an enthusiastic admirer of Gaelic traditions; defended the authenticity of Ossian; supported Highland games, and brought Italian travellers to listen to the music of the bagpipes. When he presented himself to his tenants in the Highland costume, on the withdrawal of its prohibition, they expected him to lead them in a foray upon the lowlands in the name of Charles Edward. He afterwards raised a regiment of 'fencibles' which served in Ireland in 1798, and, when disbanded, sent a large contingent to the Egyptian expedition. But he rendered more peaceful services to his country. He formed new farms; he enclosed several thousand acres; as head

[1] *Memoirs*, i. 338.

of the 'British Wool Society,' he introduced the Cheviots or 'long sheep' to the North—an improvement which is said to have doubled the rents of many estates; he introduced agricultural shows; he persuaded government in 1801 to devote the proceeds of the confiscated estates of Jacobites to the improvement of Scottish communications; he helped to introduce fisheries and even manufactures; and was a main agent in the change which made Caithness one of the most rapidly improving parts of the country. His son assures us that he took every means to obviate the incidental evils which have been the pretexts of denunciators of similar improvements. Sinclair gained a certain reputation by a *History of the Revenue* (1785-90), and, like Malthus, travelled on the Continent to improve his knowledge. His first book finished, he began the great statistical work by which he is best remembered. He is said to have introduced into English the name of 'statistics,' for the researches of which all economical writers were beginning to feel the necessity. He certainly did much to introduce the reality. Sinclair circulated a number of queries (upon 'natural history,' 'population,' 'productions,' and 'miscellaneous' informations) to every parish minister in Scotland. He surmounted various jealousies naturally excited, and the ultimate result was the *Statistical Account of Scotland*, which appeared in twenty-one volumes between 1791 and 1799.[1] It gives an account of every parish in Scotland, and was of great value as supplying a basis for all social investigations. Sinclair bore the expense, and gave the profits to the 'Sons of the Clergy.'

[1] *A New Statistical Account*, replacing this, appeared in twenty-four volumes from 1834 to 1844.

In 1793 Sinclair, who had been in parliament since 1780, made himself useful to Pitt in connection with the issue of exchequer bills to meet the commercial crisis. He begged in return for the foundation of a Board of Agriculture. He became the president and Arthur Young the secretary;[1] and the board represented their common aspirations. It was a rather anomalous body, something between a government office and such an institution as the Royal Society; and was supported by an annual grant of £3000. The first aim of the board was to produce a statistical account of England on the plan of the Scottish account. The English clergy, however, were suspicious; they thought, it seems, that the collection of statistics meant an attack upon tithes; and Young's frequent denunciation of tithes as discouraging agricultural improvement suggests some excuse for the belief. The plan had to be dropped; a less thorough-going description of the counties was substituted; and a good many 'Views' of the agriculture of different counties were published in 1794 and succeeding years. The board did its best to be active with narrow means. It circulated information, distributed medals, and brought agricultural improvers together. It encouraged the publication of Erasmus Darwin's *Phytologia* (1799), and procured a series of lectures from Humphry Davy, afterwards published as *Elements of Agricultural Chemistry* (1813). Sinclair also claims to have encouraged Macadam (1756-1836), the road-maker, and Meikle, the inventor of the thrashing-

[1] He was president for the first five years, and again from 1806 till 1813. For an account of this, see Sir Ernest Clarke's *History of the Board of Agriculture*, 1898.

machine. One great aim of the board was to promote enclosures. Young observes in the introductory paper to the *Annals* that within forty years nine hundred bills had been passed affecting about a million acres. This included wastes, but the greater part was already cultivated under the 'constraint and imperfection of the open field system,' a relic of the 'barbarity of our ancestors.' Enclosures involved procuring acts of parliament—a consequent expenditure, as Young estimates, of some £2000 in each case;[1] and as they were generally obtained by the great landowners, there was a frequent neglect of the rights of the poor and of the smaller holders. The remedy proposed was a general enclosure act; and such an act passed the House of Commons in 1798, but was thrown out by the Lords. An act was not obtained till after the Reform Bill. Sinclair, however, obtained some modification of the procedure; which, it is said, facilitated the passage of private bills. They became more numerous in later years, though other causes obviously co-operated. Meanwhile, it is characteristic that Sinclair and Young regarded wastes as a backwoodsman regarded a forest. The incidental injury to poor commoners was not unnoticed, and became one of the topics of Cobbett's eloquence. But to the ardent agriculturist the existence of a bit of waste land was a simple proof of barbarism. Sinclair's favourite toast, we are told, was 'May commons become uncommon'—his one attempt at a joke. He prayed that Epping Forest and Finchley Common might pass under the yoke as well as our foreign enemies. Young is driven out of all patience by the sight of 'fern, ling, and other trumpery'

[1] *Northern Tour*, i. 222-32.

usurping the place of possible arable fields.[1] He groans in spirit upon Salisbury Plain, which might be made to produce all the corn we import.[2] Enfield Chase, he declares, is a 'real nuisance to the public.'[3] We may be glad that the zeal for enclosure was not successful in all its aims; but this view of philanthropic and energetic improvers is characteristic.

It is said[4] that Young and Sinclair ruined the Board of Agriculture by making it a kind of political debating club. It died in 1822. Sinclair obtained an appointment in Scotland, and continued to labour unremittingly. He carried on a correspondence with all manner of people, including Washington, Eldon, Catholic bishops in Ireland, financiers and agriculturists on the Continent, and the most active economists in England. He suggested a subject for a poem to Scott.[5] He wrote pamphlets about cash-payments, Catholic Emancipation, and the Reform Bill, always disagreeing with all parties. He projected four codes which were to summarise all human knowledge upon health, agriculture, political economy, and religion. *The Code of Health* (4 vols., 1807) went through six editions; *The Code of Agriculture* appeared in 1829; but the world has not been enriched by the others. He died at Edinburgh on the 21st September 1835.

I have dwelt so far upon Young because he is the

[1] *Northern Tour*, ii. 186.

[2] *Southern Tour*, p. 20.

[3] *Northern Tour*, iii. 365.

[4] Arthur Young had a low opinion of Sinclair, whom he took to be a pushing and consequential busybody, more anxious to make a noise than to be useful. See Young's *Autobiography* (1898), pp. 243, 315, 437. Sir Ernest Clarke points out the injury done by Sinclair's hasty and blundering extravagance; but also shows that the board did great service in stimulating agricultural improvement.

[5] Scott's *Letters*, i. 202.

best representative of that 'glorious spirit of improvement' which was transforming the whole social structure. Young's view of the French revolution indicates one marked characteristic of that spirit. He denounces the French seigneur because he is lethargic. He admires the English nobleman because he is energetic. The French noble may even deserve confiscation; but he has not the slightest intention of applying the same remedy in England, where squires and noblemen are the very source of all improvement. He holds that government is everything, and admires the great works of the French despotism: and yet he is a thorough admirer of the liberties enjoyed under the British Constitution, the essential nature of which makes similar works impossible. I need not ask whether Young's logic could be justified; though it would obviously require for justification a thoroughly 'empirical' view, or, in other words, the admission that different circumstances may require totally different institutions. The view, however, which was congenial to the prevalent spirit of improvement must be noted.

It might be stated as a paradox that, whereas in France the most palpable evils arose from the excessive power of the central government, and in England the most palpable evils arose from the feebleness of the central government, the French reformers demanded more government and the English reformers demanded less government. 'Everything for the people, nothing by the people,' was, as Mr. Morley remarks,[1] the maxim of the French

[1] Essay on 'Turgot.' See, in Daire's Collection of the *Économistes*, the arguments of Quesnay (p. 81), Dupont de Nemours (p. 360), and Mercier de la Rivière in favour of a legal (as distinguished from an 'arbitrary') despotism.

economists. The solution seems to be easy. In France, reformers such as Turgot and the economists were in favour of an enlightened despotism, because the state meant a centralised power which might be turned against the aristocracy. Once 'enlightened' it would suppress the exclusive privileges of a class which, doing nothing in return, had become a mere burthen or dead weight encumbering all social development. But in England the privileged class was identical with the governing class. The political liberty of which Englishmen were rightfully proud, the 'rule of law' which made every official responsible to the ordinary course of justice, and the actual discharge of their duties by the governing order, saved it from being the objects of a jealous class hatred. While in France government was staggering under an ever-accumulating resentment against the aristocracy, the contemporary position in England was, on the whole, one of political apathy. The country, though it had lost its colonies, was making unprecedented progress in wealth; commerce, manufactures, and agriculture were being developed by the energy of individuals; and Pitt was beginning to apply Adam Smith's principles to finance. The cry for parliamentary reform died out: neither Whigs nor Tories really cared for it; and the 'glorious spirit of improvement' showed itself in an energy which had little political application. The nobility was not an incubus suppressing individual energy and confronted by the state, but was itself the state; and its individual members were often leaders in industrial improvement. Discontent, therefore, took in the main a different form. Some government was, of course, necessary, and the existing system was too much in

harmony, even in its defects, with the social order to provoke any distinct revolutionary sentiment. Englishmen were not only satisfied with their main institutions, but regarded them with exaggerated complacency. But, though there was no organic disorder, there were plenty of abuses to be remedied. The ruling class, it seemed, did its duties in the main, but took unconscionable perquisites in return. If it 'farmed' them, it was right that it should have a beneficial interest in the concern; but that interest might be excessive. In many directions abuses were growing up which required remedy, though not a subversion of the system under which they had been generated. It was not desired—unless by a very few theorists—to make any sweeping redistribution of power; but it was eminently desirable to find some means of better regulating many evil practices. The attack upon such practices might ultimately suggest—as, in fact, it did suggest—the necessity of far more thorough-going reforms. For the present, however, the characteristic mark of English reformers was this limitation of their schemes, and a mark which is especially evident in Bentham and his followers. I will speak, therefore, of the many questions which were arising, partly for these reasons and partly because the Utilitarian theory was in great part moulded by the particular problems which they had to argue.

CHAPTER III

SOCIAL PROBLEMS

I. PAUPERISM

PERHAPS the gravest of all the problems which were to occupy the coming generation was the problem of pauperism. The view taken by the Utilitarians was highly characteristic and important. I will try to indicate the general position of intelligent observers at the end of the century by referring to the remarkable book of Sir Frederick Morton Eden. Its purport is explained by the title: 'The State of the Poor; or, an History of the Labouring Classes of England from the Norman Conquest to the present period; in which are particularly considered their domestic economy, with respect to diet, dress, fuel, and habitation; and the various plans which have from time to time been proposed and adopted for the relief of the poor' (3 vols. 4to, 1797). Eden[1] (1766-1809) was a man of good family and nephew of the first Lord Auckland, who negotiated Pitt's commercial treaty. He graduated as B.A. from Christ Church, Oxford, in 1787; married in 1792, and at his death (14th Nov. 1809) was chairman of the Globe Insurance Company. He wrote

[1] See *Dictionary of National Biography.*

various pamphlets upon economical topics; contributed letters signed 'Philanglus' to Cobbett's *Porcupine*, the anti-jacobin paper of the day; and is described by Bentham[1] as a 'declared disciple' and a 'highly valued friend.' He may be reckoned, therefore, as a Utilitarian, though politically he was a Conservative. He seems to have been a man of literary tastes as well as a man of business, and his book is a clear and able statement of the points at issue.

Eden's attention had been drawn to the subject by the distress which followed the outbreak of the revolutionary war. He employed an agent who travelled through the country for a year with a set of queries drawn up after the model of those prepared by Sinclair for his *Statistical Account of Scotland*. He thus anticipated the remarkable investigation made in our own time by Mr. Charles Booth. Eden made personal inquiries and studied the literature of the subject. He had a precursor in Richard Burn (1709-1785), whose *History of the Poor-laws* appeared in 1764, and a competitor in John Ruggles, whose *History of the Poor* first appeared in Arthur Young's *Annals*, and was published as a book in 1793 (second edition, 1797). Eden's work eclipsed Ruggles's. It has a permanent value as a collection of facts; and was a sign of the growing sense of the importance of accurate statistical research. The historian of the social condition of the people should be grateful to one who broke ground at a time when the difficulty of obtaining a sound base for social inquiries began to make itself generally felt. The value of the book for historical purposes lies beyond my sphere. His first volume, I may say, gives a history of

[1] *Works*, i. 255.

legislation from the earliest period ; and contains also a valuable account of the voluminous literature which had grown up during the two preceding centuries. The other two summarise the reports which he had received. I will only say enough to indicate certain critical points. Eden's book unfortunately was to mark, not a solution of the difficulty but, the emergence of a series of problems which were to increase in complexity and ominous significance through the next generation.

The general history of the poor-law is sufficiently familiar.[1] The mediæval statutes take us to a period at which the labourer was still regarded as a serf ; and a man who had left his village was treated like a fugitive slave. A long series of statutes regulated the treatment of the 'vagabond.' The vagabond, however, had become differentiated from the pauper. The decay of the ancient order of society and its corresponding institutions had led to a new set of problems ; and the famous statute of Elizabeth (1601) had laid down the main lines of the system which is still in operation.

When the labourer was regarded as in a servile condition, he might be supported from the motives which lead an owner to support his slaves, or by the charitable energies organised by ecclesiastical institutions. He had now ceased to be a serf, and the institutions which helped the poor man or maintained the beggar were wrecked. The Elizabethan statute gave him, therefore, a legal claim to be supported, and, on the other hand, directed that he should be made to work for his living. The assumption is still that every man is a member of a

[1] See Sir G. Nicholls's *History of the Poor-law*, 1854. A new edition, with life by H. G. Willink, appeared in 1898.

little social circle. He belongs to his parish, and it is his fellow-parishioners who are bound to support him. So long as this corresponded to facts, the system could work satisfactorily. With the spread of commerce, and the growth of a less settled population, difficulties necessarily arose. The pauper and the vagabond represent a kind of social extravasation; the 'masterless man' who has strayed from his legitimate place or has become a superfluity in his own circle. The vagabond could be flogged, sent to prison, or if necessary hanged, but it was more difficult to settle what to do with a man who was not a criminal, but simply a product in excess of demand. All manner of solutions had been suggested by philanthropists and partly adopted by the legislature. One point which especially concerns us is the awkwardness or absence of an appropriate administrative machinery.

The parish, the unit on which the pauper had claims, meant the persons upon whom the poor-rate was assessed. These were mainly farmers and small tradesmen who formed the rather vague body called the vestry. 'Overseers' were appointed by the ratepayers themselves; they were not paid, and the disagreeable office was taken in turn for short periods. The most obvious motive with the average ratepayer was of course to keep down the rates and to get the burthen of the poor as much as possible out of his own parish. Each parish had at least an interest in economy. But the economical interest also produced flagrant evils.

In the first place, there was the war between parishes. The law of settlement—which was to decide to what parish a pauper belonged—originated in an act of 1662.

Eden observes that the short clause in this short act had brought more profit to the lawyers than 'any other point in the English jurisprudence.'[1] It is said that the expense of such a litigation before the act of 1834 averaged from £300,000 to £350,000 a year.[2] Each parish naturally endeavoured to shift the burthen upon its neighbours; and was protected by laws which enabled it to resist the immigration of labourers or actually to expel them when likely to become chargeable. This law is denounced by Adam Smith[3] as a 'violation of natural liberty and justice.' It was often harder, he declared, for a poor man to cross the artificial boundaries of his parish than to cross a mountain ridge or an arm of the sea. There was, he declared, hardly a poor man in England over forty who had not been at some time 'cruelly oppressed' by the working of this law. Eden thinks that Smith had exaggerated the evil: but a law which operated by preventing a free circulation of labour, and made it hard for a poor man to seek the best price for his only saleable commodity, was, so far, opposed to the fundamental principles common to Smith and Eden. The law, too might be used oppressively by the niggardly and narrow-minded. The overseer, as Burn complained,[4] was often a petty tyrant: his aim was to depopulate his parish; to prevent the poor from obtaining a settlement; to make the workhouse a terror by placing it under the management of a bully; and by all

[1] *History*, i 175.

[2] M'Culloch's note to *Wealth of Nations*, p. 65. M'Culloch in his appendix makes some sensible remarks upon the absence of any properly constituted parochial 'tribunal.'

[3] *Wealth of Nations*, bk. i. ch. x.

[4] See passage quoted in Eden's *History*, i. 347.

kinds of chicanery to keep down the rates at whatever cost to the comfort and morality of the poor. This explains the view taken by Arthur Young, and generally accepted at the period, that the poor-law meant depopulation. Workhouses had been started in the seventeenth century[1] with the amiable intention of providing the industrious poor with work. Children might be trained to industry and the pauper might be made self-supporting. Workhouses were expected that is, to provide not only work but wages. Defoe, in his *Giving Alms no Charity*, pointed out the obvious objections to the workhouse considered as an institution capable of competing with the ordinary industries. Workhouses, in fact, soon ceased to be profitable. Their value, however, in supplying a test for destitution was recognised; and by an act of 1722, parishes were allowed to set up workhouses, separately or in combination, and to strike off the lists of the poor those who refused to enter them. This was the germ of the later 'workhouse test.'[2] When grievances arose, the invariable plan, as Nicholls observes,[3] was to increase the power of the justices. Their discretion was regarded 'as a certain cure for every shortcoming of the law and every evil arising out of it.' The great report of 1834 traces this tendency[4] to a clause in an act passed in the reign of William III., which was intended to allow the justices to check the extravagance of parish officers. They were empowered to strike off persons improperly relieved. This incidental regulation, widened by subsequent interpretations,

[1] Thomas Firmin (1632-1677), a philanthropist, whose Socinianism did not exclude him from the friendship of such liberal bishops as Tillotson and Fowler, started a workhouse in 1676.

[2] Nicholls (1898), ii. 14. [3] *Ibid.* (1898), ii. 123. [4] *Report*, p. 67.

allowed the magistrates to order relief, and thereby introduced an incredible amount of demoralisation.

The course was natural enough, and indeed apparently inevitable. The justices of the peace represented the only authority which could be called in to regulate abuses arising from the incapacity and narrow local interests of the multitudinous vestries. The schemes of improvement generally involved some plan for a larger area. If a hundred or a county were taken for the unit, the devices which depopulated a parish would no longer be applicable.[1] The only scheme actually carried was embodied in 'Gilbert's act' (1782), obtained by Thomas Gilbert (1720-1798), an agent of the duke of Bridgewater, and an active advocate of poor-law reform in the House of Commons. This scheme was intended as a temporary expedient during the distress caused by the American War; and a larger and more permanent scheme which it was to introduce failed to become law. It enabled parishes to combine if they chose to provide common workhouses, and to appoint 'guardians.' The justices, as usual, received more powers in order to suppress the harsh dealing of the old parochial authorities. The guardians, it was assumed, could always find 'work,' and they were to relieve the able-bodied without applying the workhouse test. The act, readily adopted, thus became a landmark in the growth of laxity.[2]

[1] William Hay, for example, carried resolutions in the House of Commons in 1735, but failed to carry a bill which had this object. See Eden's *History*, i. 396. Cooper in 1763 proposed to make the hundred the unit.—Nicholls's *History*, i. 58. Fielding proposes a similar change in London. Dean Tucker speaks of the evil of the limited area in his *Manifold Causes of the Increase of the Poor* (1760).

[2] Nicholls, ii. 88.

At the end of the century a rapid development of pauperism had taken place. The expense, as Eden had to complain, had doubled in twenty years. This took place simultaneously with the great development of manufactures. It is not perhaps surprising, though it may be melancholy, that increase of wealth shall be accompanied by increase of pauperism. Where there are many rich men, there will be a better field for thieves and beggars. A life of dependence becomes easier though it need not necessarily be adopted. Whatever may have been the relation of the two phenomena, the social revolution made the old social arrangements more inadequate. Great aggregations of workmen were formed in towns, which were still only villages in a legal sense. Fluctuations of trade, due to war or speculation, brought distress to the improvident; and the old assumption that every man had a proper place in a small circle, where his neighbours knew all about him, was further than ever from being verified. One painful result was already beginning to show itself. Neglected children in great towns had already excited compassion. Thomas Coram (1668?-1751) had been shocked by the sight of dying children exposed in the streets of London, and succeeded in establishing the Foundling Hospital (founded in 1742). In 1762, Jonas Hanway (1712-1786) obtained a law for boarding out children born within the bills of mortality. The demand for children's labour, produced by the factories, seemed naturally enough to offer a better chance for extending such charities. Unfortunately among the people who took advantage of it were parish officials, eager to get children off their hands, and manufacturers concerned only to

make money out of childish labour. Hence arose the shameful system for which remedies (as I shall have to notice) had to be sought in a later generation.

Meanwhile the outbreak of the revolutionary war had made the question urgent. When Manchester trade suffered, as Eden tells us in his reports, many workmen enlisted in the army, and left their children to be supported by the parish. Bad seasons followed in 1794 and 1795, and there was great distress in the agricultural districts. The governing classes became alarmed. In December 1795 Whitbread introduced a bill providing that the justices of the peace should fix a minimum rate of wages. Upon a motion for the second reading, Pitt made the famous speech (12th December) including the often-quoted statement that when a man had a family, relief should be 'a matter of right and honour, instead of a ground of opprobrium and contempt.'[1] Pitt had in the same speech shown his reading of Adam Smith by dwelling upon the general objections to state interference with wages, and had argued that more was to be gained by removing the restrictions upon the free movement of labour. He undertook to produce a comprehensive measure; and an elaborate bill of 130 clauses was prepared in 1796.[2] The rates were to be used to supplement inadequate wages; 'schools of industry' were to be formed for the support of superabundant children; loans might be made to the poor for the purchase of a cow;[3] and the possession of property was not to disqualify for

[1] *Parl. Hist.* xxxii. 710.

[2] A full abstract is given in Eden's *History*, iii. ccclxiii. etc.

[3] Bentham observes (*Works*, viii. 448) that the cow will require the three acres to keep it.

the receiving relief. In short, the bill seems to have been a model of misapplied benevolence. The details were keenly criticised by Bentham, and the bill never came to the birth. Other topics were pressing enough at this time to account for the failure of a measure so vast in its scope. Meanwhile something had to be done. On 6th May 1795 the Berkshire magistrates had passed certain resolutions called from their place of meeting, the 'Speenhamland Act of Parliament.' They provided that the rate of wages of a labourer should be increased in proportion to the price of corn and to the number of his family—a rule which, as Eden observes, tended to discourage economy of food in times of scarcity. They also sanctioned the disastrous principle of paying part of the wages out of rates. An act passed in 1796 repealed the old restrictions upon out-door relief; and thus, during the hard times that were to follow, the poor-laws were adapted to produce the state of things in which, as Cobbett says (in 1821) 'every labourer who has children is now regularly and constantly a pauper.'[1] The result represents a curious compromise. The landowners, whether from benevolence or fear of revolution, desired to meet the terrible distress of the times. Unfortunately their spasmodic interference was guided by no fixed principles, and acted upon a class of institutions not organised upon any definite system. The general effect seems to have been that the ratepayers, no longer allowed to 'depopulate,' sought to turn the compulsory stream of charity partly into their own pockets. If they were forced to support paupers, they could contrive to save the payment of wages. They could use the labour of the

[1] Cobbett's *Political Works*, vi. 64

rate-supported pauper instead of employing independent workmen. The evils thus produced led before long to most important discussions.[1] The ordinary view of the poor-law was inverted. The prominent evil was the reckless increase of a degraded population instead of the restriction of population. Eden's own view is sufficiently indicative of the light in which the facts showed themselves to intelligent economists. As a disciple of Adam Smith, he accepts the rather vague doctrine of his master about the 'balance' between labour and capital. If labour exceeds capital, he says, the labourer must starve 'in spite of all political regulations.'[2] He therefore looks with disfavour upon the whole poor-law system. It is too deeply rooted to be abolished, but he thinks that the amount to be raised should not be permitted to exceed the sum levied on an average of previous years. The only certain result of Pitt's measure would be a vast expenditure upon a doubtful experiment: and one main purpose of his publication was to point out the objections to the plan. He desires what seemed at that time to be almost hopeless, a national system of education; but his main doctrine is the wisdom of reliance upon individual effort. The truth of the maxim '*pas trop gouverner*,' he says,[3] has never been better illustrated than by the contrast between friendly societies and the poor-laws. Friendly societies had been known, though they were still on a humble scale, from the beginning of the century, and had tended to diminish pauperism in spite of the poor-laws. Eden

[1] I need only note here that the first edition of Malthus's *Essay* appeared in 1798, the year after Eden's publication.

[2] Eden's *History*, i. 583.

[3] *Ibid.* i. 587.

gives many accounts of them. They seem to have suggested a scheme proposed by the worthy Francis Maseres[1] (1731-1824) in 1772 for the establishment of life annuities. A bill to give effect to this scheme passed the House of Commons in 1773 with the support of Burke and Savile, but was thrown out in the House of Lords. In 1786 John Acland (died 1796), a Devonshire clergyman and justice of the peace, proposed a scheme for uniting the whole nation into a kind of friendly society for the support of the poor when out of work and in old age. It was criticised by John Howlett (1731-1804), a clergyman who wrote much upon the poor-laws. He attributes the growth of pauperism to the rise of prices, and calculates that out of an increased expenditure of £700,000, £219,000 had been raised by the rich, and the remainder 'squeezed out of the flesh, blood, and bones of the poor.' An act for establishing Acland's crude scheme failed next year in parliament.[2] The merit of the societies, according to Eden, was their tendency to stimulate self-help; and how to preserve that merit, while making them compulsory, was a difficult problem. I have said enough to mark a critical and characteristic change of opinion. One source of evil pointed out by contemporaries had been the absence of any central power which could regulate and systematise the action of the petty local bodies. The very possibility

[1] Maseres, an excellent Whig, a good mathematician, and a respected lawyer, is perhaps best known at present from his portrait in Charles Lamb's *Old Benchers*.

[2] It may be noticed as an anticipation of modern schemes that in 1792 Paine proposed a system of 'old age pensions,' for which the necessary funds were to be easily obtained when universal peace had abolished all military charges. See *State Trials*, xxv. 175.

of such organisation, however, seems to have been simply inconceivable. When the local bodies became lavish instead of over-frugal, the one remedy suggested was to abolish the system altogether.

II. THE POLICE

The system of 'self-government' showed its weak side in this direction. It meant that an important function was intrusted to small bodies, quite incompetent of acting upon general principles, and perfectly capable of petty jobbing, when unrestrained by any effective supervision. In another direction the same tendency was even more strikingly illustrated. Municipal institutions were almost at their lowest point of decay. Manchester and Birmingham were two of the largest and most rapidly growing towns. By the end of the century Manchester had a population of 90,000 and Birmingham of 70,000. Both were ruled, as far as they were ruled, by the remnants of old manorial institutions. Aikin[1] observes that 'Manchester (in 1795) remains an open town; destitute (probably to its advantage) of a corporation, and unrepresented in parliament.' It was governed by a 'boroughreeve' and two constables elected annually at the court-leet. William Hutton, the quaint historian of Birmingham, tells us in 1783 that the town was still legally a village, with a high and low bailiff, a 'high and low taster,' two 'affeerers,' and two 'leather-sealers.' In 1752 it had been provided with a 'court of requests' for the recovery of small debts, and in 1769 with a body of commissioners to provide for lighting the town. This

[1] Aikin's *Country Round Manchester.*

was the system by which, with some modifications, Birmingham was governed till after the Reform Bill.[1] Hutton boasts[2] that no town was better governed or had fewer officers. 'A town without a charter,' he says, 'is a town without a shackle.' Perhaps he changed his opinions when his warehouses were burnt in 1791, and the town was at the mercy of the mob till a regiment of 'light horse' could be called in. Aikin and Hutton, however, reflect the general opinion at a time when the town corporations had become close and corrupt bodies, and were chiefly 'shackles' upon the energy of active members of the community. I must leave the explanation of this decay to historians. I will only observe that what would need explanation would seem to be rather the absence than the presence of corruption. The English borough was not stimulated by any pressure from a central government; nor was it a semi-independent body in which every citizen had the strongest motives for combining to support its independence against neighbouring towns or invading nobles. The lower classes were ignorant, and probably would be rather hostile than favourable to any such modest interference with dirt and disorder as would commend themselves to the officials. Naturally, power was left to the little cliques of prosperous tradesmen, who formed close corporations, and spent the revenues upon feasts or squandered them by corrupt practices. Here, as in the poor-law, the insufficiency of the administrative body suggests to contemporaries, not its reform, but its superfluity.

The most striking account of some of the natural

[1] Bunce's *History of the Corporation of Birmingham* (1878).

[2] *History of Birmingham* (2nd edition), p. 327.

results is in Colquhoun's[1] *Treatise on the Police of the Metropolis.* Patrick Colquhoun (1745-1820), an energetic Scot, was born at Dumbarton in 1745, had been in business at Glasgow, where he was provost in 1782 and 1783, and in 1789 settled in London. In 1792 he obtained through Dundas an appointment to one of the new police magistracies created by an act of that year. He took an active part in many schemes of social reform; and his book gives an account of the investigations by which his schemes were suggested and justified. It must be said, however, parenthetically, that his statistics scarcely challenge implicit confidence. Like Sinclair and Eden, he saw the importance of obtaining facts and figures, but his statements are suspiciously precise and elaborate.[2] The broad facts are clear enough.

London was, he says, three miles broad and twenty-five in circumference. The population in 1801 was 641,000. It was the largest town, and apparently the most chaotic collection of dwellings in the civilised world. There were, as Colquhoun asserts[3] in an often-quoted passage, 20,000 people in it, who got up every morning without knowing how they would get through the day. There were 5000 public-houses, and 50,000 women supported, wholly or partly, by prostitution. The revenues raised by crime amounted, as he calculates, to an annual sum of £2,000,000. There were whole classes of professional thieves, more or less organised in

[1] The first edition, 1795, the sixth, from which I quote, in 1800. In Bentham's *Works*, x. 330, it is said that in 1798, 7500 copies of this book had been sold.

[2] In 1814 Colquhoun published an elaborate account of the *Resources of the British Empire*, showing similar qualities.

[3] *Police*, p. 310.

gangs, which acted in support of each other. There were gangs on the river, who boarded ships at night, or lay in wait round the warehouses. The government dockyards were systematically plundered, and the same article often sold four times over to the officials. The absence of patrols gave ample chance to the highwaymen then peculiar to England. Their careers, commemorated in the *Newgate Calendar*, had a certain flavour of Robin Hood romance, and their ranks were recruited from dissipated apprentices and tradesmen in difficulty. The fields round London were so constantly plundered that the rent was materially lowered. Half the hackney coachmen, he says,[1] were in league with thieves. The number of receiving houses for stolen goods had increased in twenty years from 300 to 3000.[2] Coining was a flourishing trade, and according to Colquhoun employed several thousand persons.[3] Gambling had taken a fresh start about 1777 and 1778[4]; and the keepers of tables had always money enough at command to make convictions almost impossible. French refugees at the revolution had introduced *rouge et noir*; and Colquhoun estimates the sums yearly lost in gambling-houses at over £7,000,000. The gamblers might perhaps appeal not only to the practices of their betters in the days of Fox, but to the public lotteries. Colquhoun had various correspondents, who do not venture to propose the abolition of a system which sanctioned the practice, but who hope to diminish the facility for supplementary betting on the results of the official drawing.

The war had tended to increase the number of loose

[1] *Police*, p. 105. [2] *Ibid.* p. 13. [3] *Ibid.* p. 211. [4] *Ibid.* p. 136.

and desperate marauders who swarmed in the vast labyrinth of London streets. When we consider the nature of the police by which these evils were to be checked, and the criminal law which they administered, the wonder is less that there were sometimes desperate riots (as in 1780) than that London should have been ever able to resist a mob. Colquhoun, though a patriotic Briton, has to admit that the French despots had at last created an efficient police.[1] The emperor, Joseph II., he says, inquired for an Austrian criminal supposed to have escaped to Paris. You will find him, replied the head of the French police, at No. 93 of such a street in Vienna on the second-floor room looking upon such a church; and there he was. In England a criminal could hide himself in a herd of his like, occasionally disturbed by the inroad of a 'Bow Street runner,' the emissary of the 'trading justices,' formerly represented by the two Fieldings. An act of 1792 created seven new offices, to one of which Colquhoun had been appointed. They had one hundred and eighty-nine paid officers under them.[2] There were also about one thousand constables. These were small tradesmen or artisans upon whom the duty was imposed without remuneration for a year by their parish, that is, by one of seventy independent bodies. A 'Tyburn ticket,' given in reward for obtaining the conviction of a criminal exempted a man from the discharge of such offices, and could be bought for from £15 to £25. There were also two thousand watchmen receiving from 8½d. up to 2s. a night. These were the true successors of Dogberry; often infirm or aged persons appointed to keep them out of the workhouse.

[1] *Police*, p. 523.
[2] *Ibid.* p. 397.

The management of this distracted force thus depended upon a miscellaneous set of bodies; the paid magistrates, the officials of the city, the justices of the peace for Middlesex, and the seventy independent parishes.

The law was as defective as the administration. Colquhoun represents the philanthropic impulse of the day, and notices[1] that in 1787 Joseph II. had abolished capital punishment. His chief authority for more merciful methods is Beccaria; and it is worth remarking, for reasons which will appear hereafter, that he does not in this connection refer to Bentham, although he speaks enthusiastically[2] of Bentham's model prison, the Panopticon. Colquhoun shows how strangely the severity of the law was combined with its extreme capriciousness. He quotes Bacon[3] for the statement that the law was a 'heterogeneous mass concocted too often on the spur of the moment,' and gives sufficient proofs of its truth. He desires, for example, a law to punish receivers of stolen goods, and says that there were excellent laws in existence. Unfortunately one law applied exclusively to the case of pewter-pots, and another exclusively to the precious metals; neither could be used as against receivers of horses or bank notes.[4] So a man indicted under an act against stealing from ships on navigable rivers escaped, because the barge from which he stole happened to be aground. Gangs could afford to corrupt witnesses or to pay knavish lawyers skilled in applying these vagaries of legislation. Juries also disliked convicting when the penalty for coining sixpence was the same as the penalty for killing a mother. It followed, as he shows by statistics, that half the persons committed for

[1] *Police*, p. 60. [2] *Ibid.* p. 481. [3] *Ibid.* p. 7. [4] *Ibid.* p. 298.

trial escaped by petty chicanery or corruption, or the reluctance of juries to convict for capital offences. Only about one-fifth of the capital sentences were executed; and many were pardoned on condition of enlisting to improve the morals of the army. The criminals, who were neither hanged nor allowed to escape, were sent to prisons, which were schools of vice. After the independence of the American colonies, the system of transportation to Australia had begun (in 1787); but the expense was enormous, and prisoners were huddled together in the hulks at Woolwich and Portsmouth, which had been used as a temporary expedient. Thence they were constantly discharged, to return to their old practices. A man, says Colquhoun,[1] would deserve a statue who should carry out a plan for helping discharged prisoners. To meet these evils, Colquhoun proposes various remedies, such as a metropolitan police, a public prosecutor, or even a codification or revision of the Criminal Code, which he sees is likely to be delayed. He also suggested, in a pamphlet of 1799, a kind of charity organisation society to prevent the waste of funds. Many other pamphlets of similar tendencies show his active zeal in promoting various reforms. Colquhoun was in close correspondence with Bentham from the year 1798,[2] and Bentham helped him by drawing the Thames Police Act, passed in 1800, to give effect to some of the suggestions in the *Treatise*.[3]

Another set of abuses has a special connection with Bentham's activity. Bentham had been led in 1778 to attend to the prison question by reading Howard's book on *Prisons*; and he refers to the 'venerable friend

[1] *Police*, p. 99. [2] Bentham's *Works*, x. 329 *seq.* [3] *Ibid.* v. 335.

who had lived an apostle and died a martyr.'[1] The career of John Howard (1726-1790) is familiar. The son of a London tradesman, he had inherited an estate in Bedfordshire. There he erected model cottages and village schools; and, on becoming sheriff of the county in 1773, was led to attend to abuses in the prisons. Two acts of parliament were passed in 1774 to remedy some of the evils exposed, and he pursued the inquiry at home and abroad. His results are given in his *State of the Prisons in England and Wales* (1779, fourth edition, 1792), and his *Account of the Principal Lazarettos in Europe* (1789). The prisoners, he says, had little food, sometimes a penny loaf a day, and sometimes nothing; no water, no fresh air, no sewers, and no bedding. The stench was appalling, and gaol fever killed more than died on the gallows. Debtors and felons, men, women and children, were huddled together; often with lunatics, who were shown by the gaolers for money. 'Garnish' was extorted; the gaolers kept drinking-taps; gambling flourished: and prisoners were often cruelly ironed, and kept for long periods before trial. At Hull the assizes had only been held once in seven years, and afterwards once in three. It is a comfort to find that the whole number of prisoners in England and Wales amounted, in 1780, to about 4400, 2078 of whom were debtors, 798 felons, and 917 petty offenders. An act passed in 1779 provided for the erection of two penitentiaries. Howard was to be a supervisor. The failure to carry out this act led, as we shall see, to one of Bentham's most characteristic undertakings. One peculiarity must be noted.

[1] Bentham's *Works*, iv. 3, 121.

Howard found prisons on the continent where the treatment was bad and torture still occasionally practised; but he nowhere found things so bad as in England. In Holland the prisons were so neat and clean as to make it difficult to believe that they were prisons: and they were used as models for the legislation of 1779. One cause of this unenviable distinction of English prisons had been indicated by an earlier investigation. General Oglethorpe (1696-1785) had been started in his philanthropic career by obtaining a committee of the House of Commons in 1729 to inquire into the state of the gaols. The foundation of the colony of Georgia as an outlet for the population was one result of the inquiry. It led, in the first place, however, to a trial of persons accused of atrocious cruelties at the Fleet prison.[1] The trial was abortive. It appeared in the course of the proceedings that the Fleet prison was a 'freehold.' A patent for rebuilding it had been granted to Sir Jeremy Whichcot under Charles II., and had been sold to one Higgins, who resold it to other persons for £5000. The proprietors made their investment pay by cruel ill-treatment of the prisoners, oppressing the poor and letting off parts of the prison to dealers in drink. This was the general plan in the prisons examined by Howard, and helps to account for the gross abuses. It is one more application of the general system. As the patron was owner of a living, and the officer of his commission, the keeper of a prison was owner of his establishment. The paralysis of administration which prevailed throughout the country made it natural to farm out paupers to the master of a workhouse, and prisoners to the proprietor of a gaol.

[1] Cobbett's *State Trials*, xvii. 297-626.

The state of prisoners may be inferred not only from Howard's authentic record but from the fictions of Fielding, Smollett and Goldsmith; and the last echoes of the same complaints may be found in *Pickwick* and *Little Dorrit.* The Marshalsea described in the last was also a proprietary concern. We shall hereafter see how Bentham proposed to treat the evils revealed by Oglethorpe and Howard.

III. EDUCATION

Another topic treated by Colquhoun marks the initial stage of controversies which were soon to grow warm. Colquhoun boasts of the number of charities for which London was already conspicuous. A growing facility for forming associations of all kinds, political, religious, scientific, and charitable, is an obvious characteristic of modern progress. Where in earlier times a college or a hospital had to be endowed by a founder and invested by charter with corporate personality, it is now necessary only to call a meeting, form a committee, and appeal for subscriptions. Societies of various kinds had sprung up during the century. Artists, men of science, agriculturists, and men of literary tastes, had founded innumerable academies and 'philosophical institutes.' The great London hospitals, dependent upon voluntary subscriptions, had been founded during the first half of the century. Colquhoun counts the annual revenue of various charitable institutions at £445,000, besides which the endowments produced £150,000, and the poor-rates

£255,000.[1] Among these a considerable number were intended to promote education. Here, as in some other cases, it seems that people at the end of the century were often taking up an impulse given a century before. So the Society for promoting Christian Knowledge, founded in 1699, and the Society for the Propagation of the Gospel, founded in 1701, were supplemented by the Church Missionary Society and the Religious Tract Society, both founded in 1799. The societies for the reformation of manners, prevalent at the end of the seventeenth century, were taken as a model by Wilberforce and his friends at the end of the eighteenth.[2] In the same way, the first attempts at providing a general education for the poor had been made by Archbishop Tenison, who founded a parochial school about 1680 in order 'to check the growth of popery.' Charity schools became common during the early part of the eighteenth century and received various endowments. They were attacked as tending to teach the poor too much—a very needless alarm—and also by free thinkers, such as Mandeville, as intended outworks of the established church. This last objection was a foretaste of the bitter religious controversies which were to accompany the growth of an educational system. Colquhoun says that there were 62 endowed schools in London, from

[1] *Police*, p. 340.

[2] Wilberforce started on this plan a 'society for enforcing the king's proclamation' in 1786, which was supplemented by the society for 'the Suppression of Vice' in 1802. I don't suppose that vice was much suppressed. Sydney Smith ridiculed its performances in the *Edinburgh* for 1809. The article is in his works. A more interesting society was that for 'bettering the condition of the poor,' started by Sir Thomas Bernard and Wilberforce in 1796.

Christ's Hospital downwards, educating about 5000 children; 237 parish schools with about 9000 children, and 3730 'private schools.' The teaching was, of course, very imperfect, and in a report of a committee of the House of Commons in 1818, it is calculated that about half the children in a large district were entirely uneducated. There was, of course, nothing in England deserving the name of a system in educational more than in any other matters. The grammar schools throughout the country provided more or less for the classes which could not aspire to the public schools and universities. About a third of the boys at Christ's Hospital were, as Coleridge tells us, sons of clergymen.[1] The children of the poor were either not educated, or picked up their letters at some charity school or such a country dame's school as is described by Shenstone. A curious proof, however, of rising interest in the question is given by the Sunday Schools movement at the end of the century. Robert Raikes (1735-1811), a printer in Gloucester and proprietor of a newspaper, joined with a clergyman to set up a school in 1780 at a total cost of 1s. 6d. a week. Within three or four years the plan was taken up everywhere, and the worthy Raikes, whose newspaper had spread the news, found himself revered as a great pioneer of philanthropy. Wesley took up the scheme warmly; bishops condescended to approve; the king and queen were interested, and within three or four years the number of learners was reckoned at two or three hundred thousand. A Sunday School Association was formed in 1785 with well known men of business at its head. Queen Charlotte's friend, Mrs. Trimmer

[1] *Biographia Literaria* (1847), ii. 327.

(1741-1810), took up the work near London, and Hannah More (1745-1833) in Somersetshire. Hannah More gives a strange account of the utter absence of any civilising agencies in the district around Cheddar where she and her sisters laboured. She was accused of 'methodism' and a leaning to Jacobinism, although her views were of the most moderate kind. She wished the poor to be able to read their Bibles and to be qualified for domestic duties, but not to write or to be enabled to read Tom Paine or be encouraged to rise above their position. The literary light of the Whigs, Dr. Parr (1747-1825), showed his liberality by arguing that the poor ought to be taught, but admitted that the enterprise had its limits. The 'Deity Himself had fixed a great gulph between them and the poor.' A scanty instruction given on Sundays alone was not calculated to facilitate the passage of that gulf. By the end of the century, however, signs of a more systematic movement were showing themselves. Bell and Lancaster, of whom I shall have to speak, were rival claimants for the honour of initiating a new departure in education. The controversy which afterwards raged between the supporters of the two systems marked a complete revolution of opinion. Meanwhile, although the need of schools was beginning to be felt, the appliances for education in England were a striking instance of the general inefficiency in every department which needed combined action. In Scotland the system of parish schools was one obvious cause of the success of so many of the Scotsmen which excited the jealousy of southern competitors. Even in Ireland there appears to have been a more efficient set of schools. And yet, one remark must be suggested. There is

probably no period in English history at which a greater number of poor men have risen to distinction. The greatest beyond comparison of self-taught poets was Burns (1759-1796). The political writer who was at the time producing the most marked effect was Thomas Paine (1737-1809), son of a small tradesman. His successor in influence was William Cobbett (1762-1835), son of an agricultural labourer, and one of the pithiest of all English writers. William Gifford (1756-1826), son of a small tradesman in Devonshire, was already known as a satirist and was to lead Conservatives as editor of the *The Quarterly Review.* John Dalton (1766-1842), son of a poor weaver, was one of the most distinguished men of science. Porson (1759-1808), the greatest Greek scholar of his time, was son of a Norfolk parish clerk, though sagacious patrons had sent him to Eton in his fifteenth year. The Oxford professor of Arabic, Joseph White (1746-1814), was son of a poor weaver in the country and a man of reputation for learning, although now remembered only for a rather disreputable literary squabble. Robert Owen and Joseph Lancaster, both sprung from the ranks, were leaders in social movements. I have already spoken of such men as Watt, Telford, and Rennie; and smaller names might be added in literature, science, and art. The individualist virtue of 'self-help' was not confined to successful money-making or to the wealthier classes. One cause of the literary excellence of Burns, Paine, and Cobbett may be that, when literature was less centralised, a writer was less tempted to desert his natural dialect. I mention the fact, however, merely to suggest that, whatever were then the difficulties of getting such

schooling as is now common, an energetic lad even in the most neglected regions might force his way to the front.

IV. THE SLAVE-TRADE

I have thus noticed the most conspicuous of the contemporary problems which, as we shall see, provided the main tasks of Bentham and his followers. One other topic must be mentioned as in more ways than one characteristic of the spirit of the time. The parliamentary attack upon the slave-trade began just before the outbreak of the revolution. It is generally described as an almost sudden awakening of the national conscience. That it appealed to that faculty is undeniable, and, moreover, it is at least a remarkable instance of legislative action upon purely moral grounds. It is true that in this case the conscience was the less impeded because it was roused chiefly by the sins of men's neighbours. The slave-trading class was a comparative excrescence. Their trade could be attacked without such widespread interference with the social order as was implied, for example, in remedying the grievances of paupers or of children in factories. The conflict with morality, again, was so plain as to need no demonstration. It seems to be a questionable logic which assumes the merit of a reformer to be in proportion to the flagrancy of the evil assailed. The more obvious the case, surely the less the virtue needed in the assailant. However this may be, no one can deny the moral excellence of such men as Wilberforce and Clarkson, nor the real change in the moral standard implied by the success of their agitation. But another question remains, which is indicated by a later contro-

versy. The followers of Wilberforce and of Clarkson were jealous of each other. Each party tried to claim the chief merit for its hero. Each was, I think, unjust to the other. The underlying motive was the desire to obtain credit for the 'Evangelicals' or their rivals as the originators of a great movement. Without touching the personal details it is necessary to say something of the general sentiments implied. In his history of the agitation,[1] Clarkson gives a quaint chart, showing how the impulse spread from various centres till it converged upon a single area, and his facts are significant.

That a great change had taken place is undeniable. Protestant England had bargained with Catholic Spain in the middle of the century for the right of supplying slaves to America, while at the peace of 1814 English statesmen were endeavouring to secure a combination of all civilised powers against the trade. Smollett, in 1748, makes the fortune of his hero, Roderick Random, by placing him as mate of a slave-ship under the ideal sailor, Bowling. About the same time John Newton (1725-1807), afterwards the venerated teacher of Cowper and the Evangelicals, was in command of a slaver, and enjoying 'sweeter and more frequent hours of divine communion' than he had elsewhere known. He had no scruples, though he had the grace to pray 'to be fixed in a more humane calling.' In later years he gave the benefit of his experience to the abolitionists.[2] A new sentiment, however, was already showing itself.

[1] *History of the Rise, Progress, and Accomplishment of the Abolition of the Slave-trade by the British Parliament* (1808). Second enlarged edition 1839. The chart was one cause of the offence taken by Wilberforce's sons.

[2] Cf. Sir J. Stephen's *Ecclesiastical Biography* (The Evangelical Succession).

Clarkson collects various instances. Southern's Oroonoco, founded on a story by Mrs. Behn, and Steele's story of Inkle and Yarico in an early *Spectator*, Pope's poor Indian in the *Essay on Man*, and allusions by Thomson, Shenstone, and Savage, show that poets and novelists could occasionally turn the theme to account. Hutcheson, the moralist, incidentally condemns slavery; and divines such as Bishops Hayter and Warburton took the same view in sermons before the Society for the Propagation of Christian Knowledge. Johnson, 'last of the Tories' though he was, had a righteous hatred for the system.[1] He toasted the next insurrection of negroes in the West Indies, and asked why we always heard the 'loudest yelps for liberty among the drivers of negroes'? Thomas Day (1748-1789), as an ardent follower of Rousseau, wrote the *Dying Negro* in 1773, and, in the same spirit, denounced the inconsistencies of slave-holding champions of American liberty.

Such isolated utterances showed a spreading sentiment. The honour of the first victory in the practical application must be given to Granville Sharp[2] (1735-1813), one of the most charming and, in the best sense, 'Quixotic' of men. In 1772 his exertions had led to the famous decision by Lord Mansfield in the case of the negro Somerset.[3] Sharp in 1787 became chairman of the committee formed to attack the slave-

[1] See passages collected in Birkbeck Hill's *Boswell*, ii. 478-80, and cf. iii. 200-204. Boswell was attracted by Clarkson, but finally made up his mind that the abolition of the slave-trade would 'shut the gates of mercy on mankind.'

[2] See the account of G. Sharp in Sir J. Stephen's *Ecclesiastical Biography* (Clapham Sect).

[3] Cobbett's *State Trials*, xx. 1-82.

trade by collecting the evidence of which Wilberforce made use in parliament. The committee was chiefly composed of Quakers; as indeed, Quakers are pretty sure to be found in every philanthropic movement of the period. I must leave the explanation to the historian of religious movements; but the fact is characteristic. The Quakers had taken the lead in America. The Quaker was both practical and a mystic. His principles put him outside of the ordinary political interests, and of the military world. He directed his activities to helping the poor, the prisoner, and the oppressed. Among the Quakers of the eighteenth century were John Woolman (1720-1772), a writer beloved by the congenial Charles Lamb and Antoine Benezet (1713-1784), born in France, and son of a French refugee who settled in Philadelphia. When Clarkson wrote the prize essay upon the slave-trade (1785), which started his career, it was from Benezet's writings that he obtained his information. By their influence the Pennsylvanian Quakers were gradually led to pronounce against slavery [1]; and the first anti-slavery society was founded in Philadelphia in 1775, the year in which the skirmish at Lexington began the war of independence. That suggests another influence. The Rationalists of the eighteenth century were never tired of praising the Quakers. The Quakers were, by their essential principles, in favour of absolute toleration, and their attitude towards dogma was not dissimilar. 'Rationalisation' and 'Spiritualisation' are in some directions similar. The general spread of philanthropic sentiment, which

[1] The Society determined in 1760 'to disown' any Friend concerned in the slave-trade.

found its formula in the *Rights of Man*, fell in with the Quaker hatred of war and slavery. Voltaire heartily admires Barclay, the Quaker apologist. It is, therefore, not surprising to find the names of the deists, Franklin and Paine, associated with Quakers in this movement. Franklin was an early president of the new association, and Paine wrote an article to support the early agitation.[1] Paine himself was a Quaker by birth, who had dropped his early creed while retaining a respect for its adherents. When the agitation began it was in fact generally approved by all except the slave-traders. Sound Whig divines, Watson and Paley and Parr; Unitarians such as Priestley and Gilbert Wakefield and William Smith; and the great methodist, John Wesley, were united on this point. Fox and Burke and Pitt rivalled each other in condemning the system. The actual delay was caused partly by the strength of the commercial interests in parliament, and partly by the growth of the anti-Jacobin sentiment.

The attempt to monopolise the credit of the movement by any particular sect is absurd. Wilberforce and his friends might fairly claim the glory of having been worthy representatives of a new spirit of philanthropy; but most certainly they did not create or originate it. The general growth of that spirit throughout the century must be explained, so far as 'explanation' is possible, by wider causes. It was, as I must venture to assume, a product of complex social changes which were bringing classes and nations into closer contact, binding them

[1] Mr. Conway, in his *Life of Paine*, attributes, I think, a little more to his hero than is consistent with due regard to his predecessors; but, in any case, he took an early part in the movement.

together by new ties, and breaking up the old institutions which had been formed under obsolete conditions. The true moving forces were the same whether these representatives announced the new gospel of the 'rights of man'; or appealed to the traditional rights of Englishmen; or rallied supporters of the old order so far as it still provided the most efficient machinery for the purpose. The revival of religion under Wesley and the Evangelicals meant the direction of the stream into one channel. The paralytic condition of the Church of England disqualified it for appropriating the new energy. The men who directed the movements were mainly stimulated by moral indignation at the gross abuses, and the indolence of the established priesthood naturally gave them an anti-sacerdotal turn. They simply accepted the old Protestant tradition. They took no interest in the intellectual questions involved. Rationalism, according to them, meant simply an attack upon the traditional sanctions of morality; and it scarcely occurred to them to ask for any philosophical foundation of their creed. Wilberforce's book, *A Practical View*, attained an immense popularity, and is characteristic of the position. Wilberforce turns over the infidel to be confuted by Paley, whom he takes to be a conclusive reasoner. For himself he is content to show what needed little proof, that the so-called Christians of the day could act as if they had never heard of the New Testament. The Evangelical movement had in short no distinct relation to speculative movements. It took the old tradition for granted, and it need not here be further considered.

One other remark is suggested by the agitation against the slave-trade. It set a precedent for agitation of a

kind afterwards familiar. The committee appealed to the country, and got up petitions. Sound Tories complained of them in the early slave-trade debates, as attempts to dictate to parliament by democratic methods. Political agitators had formed associations, and found a convenient instrument in the 'county meetings,' which seems to have possessed a kind of indefinite legal character.[1] Such associations of course depend for the great part of their influence upon the press. The circulation of literature was one great object. Paine's *Rights of Man* was distributed by the revolutionary party, and Hannah More wrote popular tracts to persuade the poor that they had no grievances. It is said that two millions of her little tracts, 'Village Politics by Will Chip,' the 'Shepherd of Salisbury Plain,' and so forth were circulated. The demand, indeed, showed rather the eagerness of the rich to get them read than the eagerness of the poor to read them. They failed to destroy Paine's influence, but they were successful enough to lead to the foundation of the Religious Tract Society. The attempt to influence the poor by cheap literature shows that these opinions were beginning to demand consideration. Cobbett and many others were soon to use the new weapon. Meanwhile the newspapers circulated among the higher ranks were passing through a new phase, which must be noted. The great newspapers were gaining power. The *Morning Chronicle* was started by Woodfall in 1769, the *Morning Post* and *Morning Herald* by Dudley Bate in 1772 and 1780, and the *Times* by Walter in 1788. The modern editor was to appear during the war. Stoddart and Barnes of the *Times*, Perry and Black of the *Morning*

[1] See upon this subject Mr. Jephson's interesting book on *The Platform*.

Chronicle, were to become important politically. The revolutionary period marks the transition from the old-fashioned newspaper, carried on by a publisher and an author, to the modern newspaper, which represents a kind of separate organism, elaborately 'differentiated' and worked by a whole army of co-operating editors, correspondents, reporters, and contributors. Finally, one remark may be made. The literary class in England was not generally opposed to the governing classes. The tone of Johnson's whole circle was conservative. In fact, since Harley's time, government had felt the need of support in the press, and politicians on both sides had their regular organs. The opposition might at any time become the government; and their supporters in the press, poor men who were only too dependent, had no motive for going beyond the doctrines of their principals. They might be bought by opponents, or they might be faithful to a patron. They did not form a band of outcasts, whose hand would be against every one. The libel law was severe enough, but there had been no licensing system since the early days of William and Mary. A man could publish what he chose at his own peril. When the current of popular feeling was anti-revolutionary, government might obtain a conviction, but even in the worst times there was a chance that juries might be restive. Editors had at times to go to prison, but even then the paper was not suppressed. Cobbett, for example, continued to publish his *Registrar* during an imprisonment of two years (1810-12). Editors had very serious anxieties, but they could express with freedom any opinion which had the support of a party. English liberty was so far a reality that a very free discussion of

the political problems of the day was permitted and practised. The English author, therefore, as such, had not the bitterness of a French man of letters, unless, indeed, he had the misfortune to be an uncompromising revolutionist.

V. THE FRENCH REVOLUTION

The English society which I have endeavoured to characterise was now to be thrown into the vortex of the revolutionary wars. The surpassing dramatic interest of the French Revolution has tended to obscure our perception of the continuity of even English history. It has been easy to ascribe to the contagion of French example political movements which were already beginning in England and which were modified rather than materially altered by our share in the great European convulsion. The impression made upon Englishmen by the French Revolution is, however, in the highest degree characteristic. The most vehement sympathies and antipathies were aroused, and showed at least what principles were congenial to the various English parties. To praise or blame the revolution, as if it could be called simply good or bad, is for the historian as absurd as to praise or blame an earthquake. It was simply inevitable under the conditions. We may, of course, take it as an essential stage in a social evolution, which if described as progress is therefore to be blessed, or if as degeneration may provoke lamentation. We may, if we please, ask whether superior statesmanship might have attained the good results without the violent catastrophes, or whether a wise and good man who could appreciate the

real position would have approved or condemned the actual policy. But to answer such problems with any confidence would imply a claim to a quasi-omniscience. Partisans at the time, however, answered them without hesitation, and saw in the Revolution the dawn of a new era of reason and justice, or the outburst of the fires of hell. Their view is at any rate indicative of their own position. The extreme opinions need no exposition. They are represented by the controversy between Burke and Paine. The general doctrine of the 'Rights of Men'—that all men are by nature free and equal—covered at least the doctrine that the inequality and despotism of the existing order was hateful, and people with a taste for abstract principles accepted this short cut to political wisdom. The 'minor' premise being obviously true, they took the major for granted. To Burke, who idealised the traditional element in the British Constitution, and so attached an excessive importance to historical continuity, the new doctrine seemed to imply the breaking up of the very foundations of order and the pulverisation of society. Burke and Paine both assumed too easily that the dogmas which they defended expressed the real and ultimate beliefs, and that the belief was the cause, not the consequence, of the political condition. Without touching upon the logic of either position, I may notice how the problem presented itself to the average English politician whose position implied acceptance of traditional compromises and who yet prided himself on possessing the liberties which were now being claimed by Frenchmen. The Whig could heartily sympathise with the French Revolution so long as it appeared to be an attempt to assimilate British principles.

When Fox hailed the fall of the Bastille as the greatest and best event that had ever happened, he was expressing a generous enthusiasm shared by all the ardent and enlightened youth of the time. The French, it seemed, were abolishing an arbitrary despotism and adopting the principles of Magna Charta and the 'Habeas Corpus' Act. Difficulties, however, already suggested themselves to the true Whig. Would the French, as Young asked just after the same event, 'copy the constitution of England, freed from its faults, or attempt, from theory, to frame something absolutely speculative'?[1] On that issue depended the future of the country. It was soon decided in the sense opposed to Young's wishes. The reign of terror alienated the average Whig. But though the argument from atrocities is the popular one, the opposition was really more fundamental. Burke put the case, savagely and coarsely enough, in his 'Letter to a noble Lord.' How would the duke of Bedford like to be treated as the revolutionists were treating the nobility in France? The duke might be a sincere lover of political liberty, but he certainly would not be prepared to approve the confiscation of his estates The aristocratic Whigs, dependent for their whole property and for every privilege which they prized upon ancient tradition and prescription, could not really be in favour of sweeping away the whole complex social structure, levelling Windsor Castle as Burke put it in his famous metaphor, and making a 'Bedford level' of the whole country. The Whigs had to disavow any approval of the Jacobins; Mackintosh, who had given his answer to Burke's diatribes, met Burke himself on friendly terms (9th July

[1] *France*, p. 206 (20th July 1789).

1797), and in 1800 took an opportunity of public recantation. He only expressed the natural awakening of the genuine Whig to the aspects of the case which he had hitherto ignored. The effect upon the middle-class Whigs is, however, more to my purpose. It may be illustrated by the history of John Horne Tooke[1] (1736-1812), who at this time represented what may be called the home-bred British radicalism. He was the son of a London tradesman, who had distinguished himself by establishing, and afterwards declining to enforce, certain legal rights against Frederick Prince of Wales. The prince recognised the tradesman's generosity by making his antagonist purveyor to his household. A debt of some thousand pounds was thus run up before the prince's death which was never discharged. Possibly the son's hostility to the royal family was edged by this circumstance. John Horne, forced to take orders in order to hold a living, soon showed himself to have been intended by nature for the law. He took up the cause of Wilkes in the early part of the reign; defended him energetically in later years; and in 1769 helped to start the 'Society for supporting the Bill of Rights.' He then attacked Wilkes, who, as he maintained, misapplied for his own private use the funds subscribed for public purposes to this society; and set up a rival 'Constitutional Society.' In 1775, as spokesman of this body, he denounced the 'king's troops for 'inhumanly murdering' their fellow-subjects at Lexington for the sole crime of 'preferring death to slavery.' He was imprisoned for the libel, and thus became a martyr to the cause. When

[1] See the *Life of Horne Tooke*, by Alexander Stephens (2 vols. 8vo, 1813). John Horne added the name Tooke in 1782.

the country associations were formed in 1780 to protest against the abuses revealed by the war, Horne became a member of the 'Society for Constitutional Information,' of which Major Cartwright—afterwards the revered, but rather tiresome, patriarch of the Radicals—was called the 'father.' Horne Tooke (as he was now named), by these and other exhibitions of boundless pugnacity, became a leader among the middle-class Whigs, who found their main support among London citizens, such as Beckford, Troutbeck and Oliver; supported them in his later days; and after the American war, preferred Pitt, as an advocate of parliamentary reform, to Fox, the favourite of the aristocratic Whigs. He denounced the Fox coalition ministry, and in later years opposed Fox at Westminster. The 'Society for Constitutional Information' was still extant in the revolutionary period, and Tooke, a bluff, jovial companion, who had by this time got rid of his clerical character, often took the chair at the taverns where they met to talk sound politics over their port. The revolution infused new spirit into politics. In March 1791[1] Tooke's society passed a vote of thanks to Paine for the first part of his *Rights of Man*. Next year Thomas Hardy, a radical shoemaker, started a 'Corresponding Society.' Others sprang up throughout the country, especially in the manufacturing towns.[2] These societies took Paine for their oracle, and circulated his writings as their manifesto. They communicated

[1] *Parl. Hist.* xxxi. 751.

[2] The history of these societies may be found in the trials reported in the twenty-third, twenty-fourth, and twenty-fifth volumes of Cobbett's *State Trials*, and in the reports of the secret committees in the thirty-first and thirty-fourth volumes of the *Parl. History*. There are materials in Place's papers in the British Museum which have been used in E. Smith's *English Jacobins*.

occasionally with Horne Tooke's society, which more or less sympathised with them. The Whigs of the upper sphere started the 'Friends of the People' in April 1792, in order to direct the discontent into safer channels. Grey, Sheridan and Erskine were members; Fox sympathised but declined to join; Mackintosh was secretary; and Sir Philip Francis drew up the opening address, citing the authority of Pitt and Blackstone, and declaring that the society wished 'not to change but to restore.'[1] It remonstrated cautiously with the other societies, and only excited their distrust. Grey, as its representative, made a motion for parliamentary reform which was rejected (May 1793) by two hundred and eighty-two to forty-one. Later motions in May 1797 and April 1800 showed that, for the present, parliamentary reform was out of the question. Meanwhile the English Jacobins got up a 'convention' which met at Edinburgh at the end of 1793. The very name was alarming: the leaders were tried and transported; the cruelty of the sentences and the severity of the judges, especially Braxfield, shocked such men as Parr and Jeffrey, and unsuccessful appeals for mercy were made in parliament. The Habeas Corpus Act was suspended in 1794: Horne Tooke and Hardy were both arrested and tried for high treason in November. An English jury fortunately showed itself less subservient than the Scottish; the judge was scrupulously fair: and both Hardy and Horne Tooke were acquitted. The societies, however, though they were encouraged for a time, were attacked by severe measures passed by Pitt in 1795. The 'Friends of the People' ceased to exist. The

[1] *Parl. Hist.* xxix. 1300-1341.

seizure cf the committee of the Corresponding Societies in 1798 put an end to their activity. A report presented to parliament in 1799[1] declares that the societies had gone to dangerous lengths: they had communicated with the French revolutionists and with the 'United Irishmen' (founded 1791); and societies of 'United Englishmen' and 'United Scotsmen' had had some concern in the mutinies of the fleet in 1797 and in the Irish rebellion of 1798. Place says, probably with truth, that the danger was much exaggerated: but in any case, an act for the suppression of the Corresponding Societies was passed in 1799, and put an end to the movement.

This summary is significant of the state of opinion. The genuine old-fashioned Whig dreaded revolution, and guarded himself carefully against any appearance of complicity. Jacobinism, on the other hand, was always an exotic. Such men as the leading Nonconformists Priestley and Price were familiar with the speculative movement on the continent, and sympathised with the enlightenment. Young men of genius, like Wordsworth and Coleridge, imbibed the same doctrines more or less thoroughly, and took Godwin for their English representative. The same creed was accepted by the artisans in the growing towns, from whom the Corresponding Societies drew their recruits. But the revolutionary sentiment was not so widely spread as its adherents hoped or its enemies feared. The Birmingham mob of 1791 acted, with a certain unconscious humour, on the side of church and king. They had perhaps an instinctive perception that it was an advantage to plunder on

[1] *Parl. Hist.* xxxiv. 574-655.

the side of the constable. In fact, however, the general feeling in all classes was anti-Jacobin. Place, an excellent witness, himself a member of the Corresponding Societies, declares that the repressive measures were generally popular even among the workmen.[1] They were certainly not penetrated with revolutionary fervour. Had it been otherwise, the repressive measures, severe as they were, would have stimulated rather than suppressed the societies, and, instead of silencing the revolutionists, have provoked a rising.

At the early period the Jacobin and the home-bred Radical might combine against government. A manifesto of the Corresponding Societies begins by declaring that 'all men are by nature free and equal and independent of each other,' and argues also that these are the 'original principles of English government.'[2] Magna Charta is an early expression of the Declaration of Rights, and thus pure reason confirms British tradition. The adoption of a common platform, however, covered a profound difference of sentiment. Horne Tooke represents the old type of reformer. He was fully resolved not to be carried away by the enthusiasm of his allies. 'My companions in a stage,' he said to Cartwright, 'may be going to Windsor: I will go with them to Hounslow. But there I will get out: no further will I go, by God!'[3] When Sheridan supported a vote of sympathy for the French revolutionists, Tooke insisted upon adding a rider declaring the content of Englishmen with their own constitution.[4] He offended some of his allies by asserting that the 'main timbers' of

[1] Mr. Wallas's *Life of Place*, p. 25 *n*.
[2] *State Trials*, xxiv. 575.
[3] *Ibid.* xxv. 330.
[4] *Ibid.* xxv. 390

the constitution were sound though the dry-rot had got into the superstructure. He maintained, according to Godwin,[1] that the best of all governments had been that of England under George I. Though Cartwright said at the trial that Horne Tooke was taken to 'have no religion whatever,' he was, according to Stephens, 'a great stickler for the church of England': and stood up for the House of Lords as well as the church on grounds of utility.[2] He always ridiculed Paine and the doctrine of abstract rights,[3] and told Cartwright that though all men had an equal right to a share of property, they had not a right to an equal share. Horne Tooke's Radicalism (I use the word by anticipation) was that of the sturdy tradesman. He opposed the government because he hated war, taxation and sinecures. He argued against universal suffrage with equal pertinacity. A comfortable old gentleman, with a good cellar of Madeira, and proud of his wall-fruit in a well-tilled garden, had no desire to see George III. at the guillotine, and still less to see a mob supreme in Lombard Street or bank-notes superseded by assignats. He might be jealous of the great nobles, but he dreaded mob-rule. He could denounce abuses, but he could not desire anarchy. He is said to have retorted upon some one who had boasted that English courts of justice were open to all classes: 'So is the London tavern—to all who can pay.'[4] That is in the spirit of Bentham; and yet Bentham complains that Horne Tooke's disciple, Burdett, believed in the common law, and revered the authority of Coke.[5] In

[1] Paul's *Godwin*, i. 147.
[2] Stephens, ii. 48, 477.
[3] *Ibid.* ii. 34-41, 323, 478-481.
[4] *Ibid.* ii. 483.
[5] Bentham's *Works*, x. 404.

brief, the creed of Horne Tooke meant 'liberty' founded upon tradition. I shall presently notice the consistency of this with what may be called his philosophy. Meanwhile it was only natural that radicals of this variety should retire from active politics, having sufficiently burnt their fingers by flirtation with the more thorough-going party. How they came to life again will appear hereafter. Horne Tooke himself took warning from his narrow escape. He stayed quietly in his house at Wimbledon.[1] There he divided his time between his books and his garden, and received his friends to Sunday dinners. Bentham, Mackintosh, Coleridge, and Godwin were among his visitors. Coleridge calls him a 'keen iron man,' and reports that he made a butt of Godwin as he had done of Paine.[2] Porson and Boswell encountered him in drinking matches and were both left under the table.[3] The house was thus a small centre of intellectual life, though the symposia were not altogether such as became philosophers. Horne Tooke was a keen and shrewd disputant, well able to impress weaker natures. His neighbour, Sir Francis Burdett, became his political disciple, and in later years was accepted as the radical leader. Tooke died at Wimbledon 18th March 1812.

VI. INDIVIDUALISM

The general tendencies which I have so far tried to indicate will have to be frequently noticed in the course

[1] He was member for Old Sarum 1801-2; but his career ended by a declaratory act disqualifying for a seat men who had received holy orders.

[2] Bentham's *Works*, x. 404; *Life of Mackintosh*, i. 52; Paul's *Godwin*, i. 71; Coleridge's *Table-Talk*, 8th May 1830 and 16th August 1833.

[3] Stephens, ii. 316, 334, 438.

of the following pages. One point may be emphasised before proceeding: a main characteristic of the whole social and political order is what is now called its 'individualism.' That phrase is generally supposed to convey some censure. It may connote, however, some of the most essential virtues that a race can possess. Energy, self-reliance, and independence, a strong conviction that a man's fate should depend upon his own character and conduct, are qualities without which no nation can be great. They are the conditions of its vital power. They were manifested in a high degree by the Englishmen of the eighteenth century. How far they were due to the inherited qualities of the race, to the political or social history, or to external circumstances, I need not ask. They were the qualities which had especially impressed foreign observers. The fierce, proud, intractable Briton was elbowing his way to a high place in the world, and showing a vigour not always amiable, but destined to bring him successfully through tremendous struggles. In the earlier part of the century, Voltaire and French philosophers admired English freedom of thought and free speech, even when it led to eccentricity and brutality of manners, and to barbarism in matters of taste. Englishmen, conscious and proud of their 'liberty,' were the models of all who desired liberty for themselves. Liberty, as they understood it, involved, among other things, an assault upon the old restrictive system, which at every turn hampered the rising industrial energy. This is the sense in which 'Individualism,' or the gospel according to Adam Smith—*laissez faire*, and so forth—has been specially denounced in recent times. Without asking at present how far such attacks are justifiable, I

must be content to assume that the old restrictive system was in its actual form mischievous, guided by entirely false theories, and the great barrier to the development of industry. The same spirit appeared in purely political questions. 'Liberty,' as is often remarked, may be interpreted in two ways, not necessarily consistent with each other. It means sometimes simply the diminution of the sphere of law and the power of legislators, or, again, the transference to subjects of the power of legislating, and, therefore, not less control, but control by self-made laws alone. The Englishman, who was in presence of no centralised administrative power, who regarded the Government rather as receiving power from individuals than as delegating the power of a central body, took liberty mainly in the sense of restricting law. Government in general was a nuisance, though a necessity; and properly employed only in mediating between conflicting interests, and restraining the violence of individuals forced into contact by outward circumstances. When he demanded that a greater share of influence should be given to the people, he always took for granted that their power would be used to diminish the activity of the sovereign power; that there would be less government and therefore less jobbery, less interference with free speech and free action, and smaller perquisites to be bestowed in return for the necessary services. The people would use their authority to tie the hands of the rulers, and limit them strictly to their proper and narrow functions.

The absence, again, of the idea of a state in any other sense implies another tendency. The 'idea' was not required. Englishmen were concerned rather with

details than with first principles. Satisfied, in a general way, with their constitution, they did not want to be bothered with theories. Abstract and absolute doctrines of right, when imported from France, fell flat upon the average Englishman. He was eager enough to discuss the utility of this or that part of the machinery, but without inquiring into first principles of mechanism. The argument from 'utility' deals with concrete facts, and presupposes an acceptance of some common criterion of the useful. The constant discussion of political matters in parliament and the press implied a tacit acceptance on all hands of constitutional methods. Practical men, asking whether this or that policy shall be adopted in view of actual events, no more want to go back to right reason and 'laws of nature' than a surveyor to investigate the nature of geometrical demonstration. Very important questions were raised as to the rights of the press, for example, or the system of representation. But everybody agreed that the representative system and freedom of speech were good things; and argued the immediate questions of fact. The order, only established by experience and tradition, was accepted, subject to criticism of detail, and men turned impatiently from abstract argument, and left the inquiry into 'social contracts' to philosophers, that is, to silly people in libraries. Politics were properly a matter of business, to be discussed in a business-like spirit. In this sense, 'individualism' is congenial to 'empiricism,' because it starts from facts and particular interests, and resents the intrusion of first principles.

The characteristic individualism, again, suggests one other remark. Individual energy and sense of respon-

sibility are good—as even extreme socialists may admit—if they do not exclude a sense of duties to others. It may be a question how far the stimulation of individual enterprise and the vigorous spirit of industrial competition really led to a disregard of the interests of the weaker. But it would be a complete misunderstanding of the time if we inferred that it meant a decline of humane feeling. Undoubtedly great evils had grown up, and some continued to grow which were tolerated by the indifference, or even stimulated by the selfish aims, of the dominant classes. But, in the first place, many of the most active prophets of the individualist spirit were acting, and acting sincerely, in the name of humanity. They were attacking a system which they held, and to a great extent, I believe, held rightly, to be especially injurious to the weakest classes. Possibly they expected too much from the simple removal of restrictions; but certainly they denounced the restrictions as unjust to all, not simply as hindrances to the wealth of the rich. Adam Smith's position is intelligible: it was, he thought, a proof of a providential order that each man, by helping himself, unintentionally helped his neighbours. The moral sense based upon sympathy was therefore not opposed to, but justified, the economic principles that each man should first attend to his own interest. The unintentional co-operation would thus become conscious and compatible with the established order. And, in the next place, so far from there being a want of humane feeling, the most marked characteristic of the eighteenth century was precisely the growth of humanity. In the next generation, the eighteenth century came to be denounced as cold, heartless, faithless, and so forth.

The established mode of writing history is partly responsible for this perversion. Men speak as though some great man, who first called attention to an evil, was a supernatural being who had suddenly dropped into the world from another sphere. His condemnation of evil is therefore taken to be a proof that the time must be evil. Any century is bad if we assume all the good men to be exceptions. But the great man is really also the product of his time. He is the mouthpiece of its prevailing sentiments, and only the first to see clearly what many are beginning to perceive obscurely. The emergence of the prophet is a proof of the growing demand of his hearers for sound teaching. Because he is in advance of men generally, he sees existing abuses more clearly, and we take his evidence against his contemporaries as conclusive. But the fact that they listened shows how widely the same sensibility to evil was already diffused. In fact, as I think, the humane spirit of the eighteenth century, due to the vast variety of causes which we call social progress or evolution—not to the teaching of any individual—was permeating the whole civilised world, and showed itself in the philosophic movement as well as in the teaching of the religious leaders, who took the philosophers to be their enemies. I have briefly noticed the various philanthropic movements which were characteristic of the period. Some of them may indicate the growth of new evils; others, that evils which had once been regarded with indifference were now attracting attention and exciting indignation. But even the growth of new evils does not show general indifference so much as the incapacity of the existing system to deal with new conditions. It may, I think,

be safely said that a growing philanthropy was characteristic of the whole period, and in particular animated the Utilitarian movement, as I shall have to show in detail. Modern writers have often spoken of the Wesleyan propaganda and the contemporary 'evangelical revival' as the most important movements of the time. They are apt to speak, in conformity with the view just described, as though Wesley or some of his contemporaries had originated or created the better spirit. Without asking what was good or bad in some aspects of these movements, I fully believe that Wesley was essentially a moral reformer, and that he deserves corresponding respect. But instead of holding that his contemporaries were bad people, awakened by a stimulus from without, I hold that the movement, so far as really indicating moral improvement, must be set down to the credit of the century itself. It was one manifestation of a general progress, of which Bentham was another outcome. Though Bentham might have thought Wesley a fanatic or perhaps a hypocrite, and Wesley would certainly have considered that Bentham's heart was much in need of a change, they were really allies as much as antagonists, and both mark a great and beneficial change.

CHAPTER IV

PHILOSOPHY

I. JOHN HORNE TOOKE

I HAVE so far dwelt upon the social and political environment of the early Utilitarian movement; and have tried also to point out some of the speculative tendencies fostered by the position. If it be asked what philosophical doctrines were explicitly taught, the answer must be a very short one. English philosophy barely existed. Parr was supposed to know something about metaphysics—apparently because he could write good Latin. But the inference was hasty. Of one book, however, which had a real influence, I must say something, for though it contained little definite philosophy, it showed what kind of philosophy was congenial to the common-sense of the time.

The sturdy radical, Horne Tooke, had been led to the study of philology by a characteristic incident. The legal question had arisen whether the words, '*She, knowing that Crooke had been indicted for forgery,*' did so and so, contained an averment that Crooke had been indicted. Tooke argued in a letter to Dunning[1] that

[1] Published originally in 1778; reprinted in edition of ΕΠΕΑ ΠΤΕΡΟΕΝΤΑ or *Diversions of Purley*, by Richard Taylor (1829), to which I refer. The first part of the *Diversions of Purley* appeared in 1786; and the second part (with a new edition of the first) in 1798.

they did; because they were equivalent to the phrase, 'Crooke had been indicted for forgery: she, *knowing that*,' did so and so. This raises the question: What is the meaning of 'that'? Tooke took up the study, thinking, as he says, that it would throw light upon some philosophical questions. He learned some Anglo-Saxon and Gothic to test his theory and, of course, confirmed it.[1] The book shows ingenuity, shrewdness, and industry, and Tooke deserves credit for seeing the necessity of applying a really historical method to his problem, though his results were necessarily crude in the prescientific stage of philology.

The book is mainly a long string of etymologies, which readers of different tastes have found intolerably dull or an amusing collection of curiosities. Tooke held, and surely with reason, that an investigation of language, the great instrument of thought, may help to throw light upon the process of thinking. He professes to be a disciple of Locke in philosophy as in politics. Locke, he said,[2] made a lucky mistake in calling his book an essay upon human understanding; for he thus attracted many who would have been repelled had he called it what it really was, 'a treatise upon words and language.' According to Tooke, in fact,[3] what we call 'operations of mind' are only 'operations of language.' The mind contemplates nothing but 'impressions,' that is, 'sensations or feelings,' which Locke called 'ideas.' Locke

[1] *Diversions of Purley* (1829), i. 12, 131.

[2] *Ibid.* ii. 362. Locke's work, says Prof. Max Müller in his *Science of Thought*, p. 295, 'is, as Lange in his *History of Materialism* rightly perceived, a critique of language which, together with Kant's *Critique of the Pure Reason*, forms the starting-point of modern philosophy.' *See* Lange's *Materialism*, (1873), i. 271.

[3] *Ibid.* i. 49.

mistook composition of terms for composition of ideas. To compound ideas is impossible. We can only use one term as a sign of many ideas. Locke, again, supposed that affirming and denying were operations of the mind, whereas they are only artifices of language.[1]

The mind, then, can only contemplate, separately or together, aggregates of 'ideas,' ultimate atoms, incapable of being parted or dissolved. There are, therefore, only two classes of words, nouns and verbs; all others, prepositions, conjunctions, and so forth, being abbreviations, a kind of mental shorthand to save the trouble of enumerating the separate items. Tooke, in short, is a thoroughgoing nominalist. The realities, according to him, are sticks, stones, and material objects, or the 'ideas' which 'represent' them. They can be stuck together or taken apart, but all the words which express relations, categories, and the like, are in themselves meaningless. The special objects of his scorn are 'Hermes' Harris, and Monboddo, who had tried to defend Aristotle against Locke. Monboddo had asserted that 'every kind of relation' is a pure 'idea of the intellect' not to be apprehended by sense.[2] If so, according to Tooke, it would be a nonentity.

This doctrine gives a short cut to the abolition of metaphysics. The word 'metaphysics,' says Tooke,[3] is nonsense. All metaphysical controversies are 'founded on the grossest ignorance of words and the nature of speech.' The greatest part of his second volume is concerned with etymologies intended to prove that an 'abstract idea' is a mere word. Abstract words, he

[1] *Diversions of Purley*, i. 36, 42. [2] *Ibid.* i. 373. [3] *Ibid.* i. 374.

says,[1] are generally 'participles without a substantive and therefore in construction used as substantives.' From a misunderstanding of this has arisen 'metaphysical jargon' and 'false morality.' In illustration he gives a singular list of words, including 'fate, chance, heaven, hell, providence, prudence, innocence, substance, fiend, angel, apostle, spirit, true, false, desert, merit, faith, etc., all of which are mere participles poetically embodied and substantiated by those who use them.' A couple of specific applications, often quoted by later writers, will sufficiently indicate his drift.

Such words, he remarks,[2] as 'right' and 'just' mean simply that which is ordered or commanded. The chapter is headed 'rights of man,' and Tooke's interlocutor naturally observes that this is a singular result for a democrat. Man, it would seem, has no rights except the rights created by the law. Tooke admits the inference to be correct, but replies that the democrat in disobeying human law may be obeying the law of God, and is obeying the law of God when he obeys the law of nature. The interlocutor does not inquire what Tooke could mean by the 'law of nature.' We can guess what Tooke would have said to Paine in the Wimbledon garden. In fact, however, Tooke is here, as elsewhere, following Hobbes, though, it seems, unconsciously. Another famous etymology is that of 'truth' from 'troweth.'[3] Truth is what each man thinks. There is no such thing, therefore, as 'eternal, immutable, everlasting truth, unless mankind, *such as they are at present*,

[1] *Diversions of Purley*, ii. 18. Cf. Mill's statement in *Analysis*, i. 304, that 'abstract terms are concrete terms with the connotation dropped.'

[2] *Ibid.* ii. 9, etc.

[3] *Ibid.* ii. 399.

be eternal, immutable, everlasting.' Two persons may contradict each other and yet each may be speaking what is true for him. Truth may be a vice as well as a virtue; for on many occasions it is wrong to speak the truth.

These phrases may possibly be interpreted in a sense less paradoxical than the obvious one. Tooke's philosophy, if so it is to be called, was never fully expounded. He burned his papers before his death, and we do not know what he would have said about 'verbs,' which must have led, one would suppose, to some further treatment of relations, nor upon the subject, which as Stephens tells us, was most fully treated in his continuation, the value of human testimony.

If Tooke was not a philosopher he was a man of remarkably shrewd cynical common-sense, who thought philosophy idle foppery. His book made a great success. Stephens tells us[1] that it brought him £4000 or £5000. Hazlitt in 1810 published a grammar professing to incorporate for the first time Horne Tooke's 'discoveries.' The book was admired by Mackintosh,[2] who, of course, did not accept the principles, and had a warm disciple in Charles Richardson (1775-1865), who wrote in its defence against Dugald Stewart and accepted its authority in his elaborate dictionary of the English language.[3] But its chief interest for us is that it was a great authority with James Mill. Mill accepts the etymologies, and there is much in common between the two writers, though Mill had learned his main

[1] Stephens, ii. 497. [2] *Life of Mackintosh*, ii. 235-37.

[3] Begun for the *Encyclopædia Metropolitana* in 1818; and published in 1835-37. Dugald Stewart's chief criticism is in his Essays (*Works*, v. 149-188). John Fearn published his *Anti-Tooke* in 1820.

doctrines elsewhere, especially from Hobbes. What the agreement really shows is how the intellectual idiosyncrasy which is congenial to 'nominalism' in philosophy was also congenial to Tooke's matter of fact radicalism and to the Utilitarian position of Bentham and his followers.

II. DUGALD STEWART

If English philosophy was a blank, there was still a leader of high reputation in Scotland. Dugald Stewart (1753-1828) had a considerable influence upon the Utilitarians. He represented, on the one hand, the doctrines which they thought themselves specially bound to attack, and it may perhaps be held that in some ways he betrayed to them the key of the position. Stewart[1] was son of a professor of mathematics at Edinburgh. He studied at Glasgow (1771-72) where he became Reid's favourite pupil and devoted friend. In 1772 he became the assistant, and in 1775 the colleague, of his father, and he appears to have had a considerable knowledge of mathematics. In 1785 he succeeded Adam Ferguson as professor of moral philosophy and lectured continuously until 1810. He then gave up his active duties to Thomas Brown, devoting himself to the

[1] Nine volumes of Dugald Stewart's works, edited by Sir W. Hamilton, appeared from 1854 to 1856; a tenth, including a life of Stewart by J. Veitch, appeared in 1858, and an eleventh, with an index to the whole, in 1860. The chief books are the *Elements of the Philosophy of the Human Mind* (in vols. ii., iii. and iv., originally in 1792, 1814, 1827); *Philosophical Essays* (in vol. v., originally 1810); *Philosophy of the Active and Moral Powers of Man* (vols. vi. and vii., originally in 1828); *Dissertation on the Progress of Philosophy* (in vol. i.; originally in *Encyclopædia Britannica*, in 1815 and 1821). The lectures on Political Economy first appeared in the *Works*, vols. viii. and ix.

completion and publication of the substance of his lectures. Upon Brown's death in 1820, he resigned a post to which he was no longer equal. A paralytic stroke in 1822 weakened him, though he was still able to write. He died in 1828.

If Stewart now makes no great mark in histories of philosophy, his personal influence was conspicuous. Cockburn describes him as of delicate appearance, with a massive head, bushy eyebrows, gray intelligent eyes, flexible mouth and expressive countenance. His voice was sweet and his ear exquisite. Cockburn never heard a better reader, and his manners, though rather formal, were graceful and dignified. James Mill, after hearing Pitt and Fox, declared that Stewart was their superior in eloquence. At Edinburgh, then at the height of its intellectual activity, he held his own among the ablest men and attracted the loyalty of the younger. Students came not only from Scotland but from England, the United States, France and Germany.[1] Scott won the professor's approval by an essay on the 'Customs of the Northern Nations.' Jeffrey, Horner, Cockburn and Mackintosh were among his disciples. His lectures upon Political Economy were attended by Sydney Smith, Jeffrey and Brougham, and one of his last hearers was Lord Palmerston. Parr looked up to him as a great philosopher, and contributed to his works an essay upon the etymology of the word 'sublime,' too vast to be printed whole. Stewart was an upholder of Whig principles, when the Scottish government was in the hands of the staunchest Tories. The irreverent young Edinburgh Reviewers treated him with respect, and to some

[1] *Works*, vi. ('Preface')

extent applied his theory to politics. Stewart was the philosophical heir of Reid; and, one may say, was a Whig both in philosophy and in politics. He was a rationalist, but within the limits fixed by respectability; and he dreaded the revolution in politics, and believed in the surpassing merits of the British Constitution as interpreted by the respectable Whigs.

Stewart represents the 'common-sense' doctrine. That name, as he observes, lends itself to an equivocation. Common-sense is generally used as nearly synonymous with 'mother wit,' the average opinion of fairly intelligent men; and he would prefer to speak of the 'fundamental laws of belief.'[1] There can, however, be no doubt that the doctrine derived much of its strength from the apparent confirmation of the 'average opinion' by the 'fundamental laws.' On one side, said Reid, are all the vulgar; on the other all the philosophers. 'In this division, to my great humiliation, I find myself classed with the vulgar.'[2] Reid, in fact, had opposed the theories of Hume and Berkeley because they led to a paradoxical scepticism. If it be, as Reid held, a legitimate inference from Berkeley that a man may as well run his head against a post, there can be no doubt that it is shocking to common sense in every acceptation of the word. The reasons, however, which Reid and Stewart alleged for not performing that feat took a special form, which I am compelled to notice briefly because they set up the mark for the whole intellectual artillery of the Utilitarians. Reid, in fact, invented what J. S. Mill called 'intuitions.' To confute intuitionists and get rid of intuitions was one main purpose of all Mill's specula-

[1] *Works* (Life of Reid), x. 304-8. [2] Reid's *Works* (Hamilton), p. 302.

tions. What, then, is an 'intuition'? To explain that fully it would be necessary to write once more that history of the philosophical movement from Descartes to Hume, which has been summarised and elucidated by so many writers that it should be as plain as the road from St. Paul's to Temple Bar. I am forced to glance at the position taken by Reid and Stewart because it has a most important bearing upon the whole Utilitarian scheme. Reid's main service to philosophy was, in his own opinion,[1] that he refuted the 'ideal system' of Descartes and his followers. That system, he says, carried in its womb the monster, scepticism, which came to the birth in 1739,[2] the date of Hume's early *Treatise*. To confute Hume, therefore, which was Reid's primary object, it was necessary to go back to Descartes, and to show where he deviated from the right track. In other words, we must trace the genealogy of 'ideas.' Descartes, as Reid admitted, had rendered immense services to philosophy. He had exploded the scholastic system, which had become a mere mass of logomachies and an incubus upon scientific progress. He had again been the first to 'draw a distinct line between the material and the intellectual world'[3]; and Reid apparently assumes that he had drawn it correctly. One characteristic of the Cartesian school is obvious. Descartes, a great mathematician at the period when mathematical investigations were showing their enormous power, invented a mathematical universe. Mathematics presented the true type of scientific reasoning and determined his canons of inquiry. The 'essence' of matter, he said, was space. The objective world, as we

[1] Reid's *Works* (Hamilton), p. 88. [2] *Ibid.* 206. [3] *Ibid.* 267.

have learned to call it, is simply space solidified or incarnate geometry. Its properties therefore could be given as a system of deductions from first principles, and it forms a coherent and self-subsistent whole. Meanwhile the essence of the soul is thought. Thought and matter are absolutely opposed. They are contraries, having nothing in common. Reality, however, seems to belong to the world of space. The brain, too, belongs to that world, and motions in the brain must be determined as a part of the material mechanism. In some way or other 'ideas' correspond to these motions; though to define the way tried all the ingenuity of Descartes' successors. In any case an idea is 'subjective': it is a thought, not a thing. It is a shifting, ephemeral entity not to be fixed or grasped. Yet, somehow or other, it exists, and it 'represents' realities; though the divine power has to be called in to guarantee the accuracy of the representation. The objective world, again, does not reveal itself to us as simply made up of 'primary qualities'; we know of it only as somehow endowed with 'secondary' or sense-given qualities: as visible, tangible, audible, and so forth. These qualities are plainly 'subjective'; they vary from man to man, and from moment to moment: they cannot be measured or fixed; and must be regarded as a product in some inexplicable way of the action of matter upon mind; unreal or, at any rate, not independent entities.

In Locke's philosophy, the 'ideas,' legitimate or illegitimate descendants of the Cartesian theories, play a most prominent part. Locke's admirable common-sense made him the leader who embodied a growing tendency. The empirical sciences were growing; and Locke, a

student of medicine, could note the fallacies which arise from neglecting observation and experiment, and attempting to penetrate to the absolute essences and entities. Newton's great success was due to neglecting impossible problems about the nature of force in itself—'action at a distance' and so forth—and attention to the sphere of visible phenomena. The excessive pretensions of the framers of metaphysical systems had led to hopeless puzzles and merely verbal solutions. Locke, therefore, insisted upon the necessity of ascertaining the necessary limits of human knowledge. All our knowledge of material facts is obviously dependent in some way upon our sensations—however fleeting or unreal they may be. Therefore, the material sciences must depend upon sense-given data or upon observation and experiment. Hume gives the ultimate purpose, already implied in Locke's essay, when he describes his first treatise (on the title page) as an 'attempt to introduce the experimental mode of reasoning into moral subjects.' Now, as Reid thinks, the effect of this was to construct our whole knowledge out of the representative ideas. The empirical factor is so emphasised that we lose all grasp of the real world. Locke, indeed, though he insists upon the derivation of our whole knowledge from 'ideas,' leaves reality to the 'primary qualities' without clearly expounding their relation to the secondary. But Berkeley, alarmed by the tendency of the Cartesian doctrines to materialism and mechanical necessity, reduces the 'primary' to the level of the 'secondary,' and proceeds to abolish the whole world of matter. We are thus left with nothing but 'ideas,' and the ideas are naturally 'subjective' and therefore in some sense unreal.

Finally Hume gets rid of the soul as well as the outside world; and then, by his theory of 'causation,' shows that the ideas themselves are independent atoms, cohering but not rationally connected, and capable of being arbitrarily joined or separated in any way whatever. Thus the ideas have ousted the facts. We cannot get beyond ideas, and yet ideas are still purely subjective. The 'real' is separated from the phenomenal, and truth divorced from fact. The sense-given world is the whole world, and yet is a world of mere accidental conjunctions and separation. That is Hume's scepticism, and yet according to Reid is the legitimate development of Descartes' 'ideal system.' Reid, I take it, was right in seeing that there was a great dilemma. What was required to escape from it? According to Kant, nothing less than a revision of Descartes' mode of demarcation between object and subject. The 'primary qualities' do not correspond in this way to an objective world radically opposed to the subjective. Space is not a form of things, but a form imposed upon the data of experience by the mind itself. This, as Kant says, supposes a revolution in philosophy comparable to the revolution made by Copernicus in astronomy. We have completely to invert our whole system of conceiving the world. Whatever the value of Kant's doctrine, of which I need here say nothing, it was undoubtedly more prolific than Reid's. Reid's was far less thoroughgoing. He does not draw a new line between object and subject, but simply endeavours to show that the dilemma was due to certain assumptions about the nature of 'ideas.'

The real had been altogether separated from the

phenomenal, or truth divorced from fact. You can only have demonstrations by getting into a region beyond the sensible world; while within that world—that is, the region of ordinary knowledge and conduct—you are doomed to hopeless uncertainty. An escape, therefore, must be sought by some thorough revision of the assumed relation, but not by falling back upon the exploded philosophy of the schools. Reid and his successors were quite as much alive as Locke to the danger of falling into mere scholastic logomachy. They, too, will in some sense base all knowledge upon experience. Reid constantly appeals to the authority of Bacon, whom he regards as the true founder of inductive science. The great success of Bacon's method in the physical sciences, encouraged the hope, already expressed by Newton, that a similar result might be achieved in 'moral philosophy.'[1] Hume had done something to clear the way, but Reid was, as Stewart thinks, the first to perceive clearly and justly the 'analogy between these two different branches of human knowledge.' The mind and matter are two co-ordinate things, whose properties are to be investigated by similar methods. Philosophy thus means essentially psychology. The two inquiries are two 'branches' of inductive science, and the problem is to discover by a perfectly impartial examination what are the 'fundamental laws of mind' revealed by an accurate analysis of the various processes of thought. The main result of Reid's investigations is given most pointedly in his early *Inquiry*, and was fully accepted by Stewart. Briefly it comes to this. No one can doubt that we believe, as a fact, in an external world. We believe

[1] Stewart's remarks on his life of Reid: Reid's *Works*, p. 12, etc.

that there are sun and moon, stones, sticks, and human bodies. This belief is accepted by the sceptic as well as by the dogmatist, although the sceptic reduces it to a mere blind custom or 'association of ideas.' Now Reid argues that the belief, whatever its nature, is not and cannot be derived from the sensations. We do not construct the visible and tangible world, for example, simply out of impressions made upon the senses of sight and touch. To prove this, he examines what are the actual data provided by these senses, and shows, or tries to show, that we cannot from them alone construct the world of space and geometry. Hence, if we consider experience impartially and without preconception, we find that it tells us something which is not given by the senses. The senses are not the material of our perceptions, but simply give the occasions upon which our belief is called into activity. The sensation is no more like the reality in which we believe than the pain of a wound is like the edge of the knife. Perception tells us directly and immediately, without the intervention of ideas, that there is, as we all believe, a real external world.

Reid was a vigorous reasoner, and credit has been given to him by some disciples of Kant's doctrine of time and space. Schopenhauer[1] says that Reid's 'excellent work' gives a complete 'negative proof of the Kantian truths'; that is to say, that Reid proves satisfactorily that we cannot construct the world out of the sense-given data alone. But, whereas Kant regards the senses as sup-

[1] *The World as Will and Idea* (Haldane & Kemp), ii. 186. Reid's '*Inquiry*,' he adds, is ten times better worth reading than all the philosophy together which has been written since Kant.

plying the materials moulded by the perceiving mind, Reid regards them as mere stimuli exciting certain inevitable beliefs. As a result of Reid's method, then, we have 'intuitions.' Reid's essential contention is that a fair examination of experience will reveal certain fundamental beliefs, which cannot be explained as mere manifestations of the sensations, and which, by the very fact that they are inexplicable, must be accepted as an 'inspiration.'[1] Reid professes to discover these beliefs by accurately describing facts. He finds them there as a chemist finds an element. The 'intuition' is made by substituting for 'ideas' a mysterious and inexplicable connection between the mind and matter.[2] The chasm exists still, but it is somehow bridged by a quasi-miracle. Admitting, therefore, that Reid shows a gap to exist in the theory, his result remains 'negative.' The philosopher will say that it is not enough to assert a principle dogmatically without showing its place in a reasoned system of thought. The psychologist, on the other hand, who takes Reid's own ground, may regard the statement only as a useful challenge to further inquiry. The analysis hitherto given may be insufficient, but where Reid has failed, other inquirers may be more successful. As soon, in fact, as we apply the psychological method, and regard the 'philosophy of mind' as an 'inductive science,' it is perilous, if not absolutely inconsistent, to discover 'intuitions' which will take us beyond experience. The line of defence against em-

[1] 'We are inspired with the sensation, as we are inspired with the corresponding perception, by means unknown.'—Reid's *Works*, 188. 'This,' says Stewart, 'is a plain statement of fact.'—Stewart's *Works*, ii. 111-12.

[2] See Rosmini's *Origin of Ideas* (English translation), i. p. 91, where, though sympathising with Reid's aim, he admits a 'great blunder.'

piricism can only be provisional and temporary. In his main results, indeed, Reid had the advantage of being on the side of 'common sense.' Everybody was already convinced that there were sticks and stones, and everybody is prepared to hear that their belief is approved by philosophy. But a difficulty arises when a similar method is applied to a doctrine sincerely disputed. To the statement, 'this is a necessary belief,' it is a sufficient answer to reply, 'I don't believe it.' In that case, an intuition merely amounts to a dogmatic assumption that I am infallible, and must be supported by showing its connection with beliefs really universal and admittedly necessary.

Dugald Stewart followed Reid upon this main question, and with less force and originality represents the same point of view. He accepts Reid's view of the two co-ordinate departments of knowledge; the science of which mind, and the science of which body, is the object. Philosophy is not a 'theory of knowledge' or of the universe; but, as it was then called, 'a philosophy of the human mind.' 'Philosophy' is founded upon inductive psychology; and it only becomes philosophy in a wider sense in so far as we discover that as a fact we have certain fundamental beliefs, which are thus given by experience, though they take us in a sense beyond experience. Jeffrey, reviewing Stewart's life of Reid, in the *Edinburgh Review* of 1804, makes a significant inference from this. Bacon's method, he said, had succeeded in the physical sciences, because there we could apply experiment. But experiment is impossible in the science of mind; and therefore philosophy will never be anything but a plaything or a useful variety of gymnastic. Stewart replied

at some length in his *Essays*,[1] fully accepting the general conception, but arguing that the experimental method was applicable to the science of mind. Jeffrey observes that it was now admitted that the 'profoundest reasonings' had brought us back to the view of the vulgar, and this, too, is admitted by Stewart so far as the cardinal doctrine of 'the common sense' philosophy, the theory of perception, is admitted.

From this, again, it follows that the 'notions we annex to the words Matter and Mind are merely relative.'[2] We know that mind exists as we know that matter exists; or, if anything, we know the existence of mind more certainly because more directly. The mind is suggested by 'the subjects of our consciousness'; the body by the objects 'of our perception.' But, on the other hand, we are totally 'ignorant of the essence of either.'[3] We can discover the laws either of mental or moral phenomena; but a law, as he explains, means in strictness nothing but a 'general fact.'[4] It is idle, therefore, to explain the nature of the union between the two unknowable substances; we can only discover that they are united and observe the laws according to which one set of phenomena corresponds to the other. From a misunderstanding of this arise all the fallacies of scholastic ontology, 'the most idle and absurd speculation that ever employed the human faculties.'[5] The destruction of that pseudo-science was the great glory of Bacon and Locke; and Reid has now discovered the method by which we may advance to the establishment of a truly inductive 'philosophy of mind.'

[1] Stewart's *Works*, v. 24-53. Hamilton says in a note (p. 41) that Jeffrey candidly confessed Stewart's reply to be satisfactory.

[2] *Ibid.* ii. 46. [3] *Ibid.* ii. 45-67. [4] *Ibid.* iii. 159. [5] *Ibid.* v. 21.

It is not surprising that Stewart approximates in various directions to the doctrines of the empirical school. He leans towards them whenever he does not see the results to which he is tending. Thus, for example, he is a thorough-going nominalist;[1] and on this point he deserts the teaching of Reid. He defends against Reid the attack made by Berkeley and Hume upon 'abstract ideas.' Rosmini,[2] in an elaborate criticism, complains that Stewart did not perceive the inevitable tendency of nominalism to materialism.[3] Stewart, in fact, accepts a good deal of Horne Tooke's doctrine,[4] though calling Tooke an 'ingenious grammarian, not a very profound philosopher,' but holds, as we shall see, that the materialistic tendency can be avoided. As becomes a nominalist, he attacks the syllogism upon grounds more fully brought out by J. S. Mill. Upon another essential point, he agrees with the pure empiricists. He accepts Hume's view of causation in all questions of physical science. In natural philosophy, he declares causation means only conjunction. The senses can never give us the 'efficient' cause of any phenomenon. In other words, we can never see a 'necessary connection' between any two events. He collects passages from earlier writers to show how Hume had been anticipated; and holds that Bacon's inadequate view of this truth was a main defect in his theories.[5] Hence we have a characteristic conclusion. He says, when

[1] Stewart's *Works*, ii. 165-93; iii. 81-97. Schopenhauer (*The World as Will and Idea*, ii. 240) admires Reid's teaching upon this point, and recommends us not 'to waste an hour over the scribblings of this shallow writer' (Stewart).

[2] Rosmini's *Origin of Ideas* (English translation), i. 96-176.

[3] *Ibid.* i. 147 *n.*

[4] Stewart's *Works*, iv. 29, 35, 38, and v. 149-88.

[5] *Ibid.* ii. 97, etc., and iii. 235, 389, 417.

discussing the proofs of the existence of God,[1] that we have an 'irresistible conviction of the *necessity* of a cause' for every change. Hume, however, has shown that this can never be a logical necessity. It must then, argues Stewart, be either a 'prejudice' or an 'intuitive judgment.' Since it is shown by 'universal consent' not to be a prejudice, it must be an intuitive judgment. Thus Hume's facts are accepted; but his inference denied. The actual causal nexus is inscrutable. The conviction that there must be a connection between events attributed by Hume to 'custom' is attributed by Stewart to intuitive belief. Stewart infers that Hume's doctrine is really favourable to theology. It implies that God gives us the conviction, and perhaps, as Malebranche held, that God is 'the constantly operating efficient Cause in the material world.'[2] Stewart's successor, Thomas Brown, took up this argument on occasion of the once famous 'Leslie controversy'; and Brown's teaching was endorsed by James Mill and by John Stuart Mill.

According to J. S. Mill, James Mill and Stewart represented opposite poles of philosophic thought. I shall have to consider this dictum hereafter. On the points already noticed Stewart must be regarded as an ally rather than an opponent of the Locke and Hume tradition. Like them he appeals unhesitatingly to experience, and cannot find words strong enough to express his contempt for 'ontological' and scholastic methods. His 'intuitions' are so far very harmless things, which fall in with common sense, and enable him to hold without further trouble the beliefs which, as a matter of fact, are held by everybody. They are an excuse for not seeking any

[1] *Works*, vii. 13-34. [2] *Ibid.* vii. 26, etc.

ultimate explanation in reason. He is, indeed, opposed to the school which claimed to be the legitimate successor to Locke, but which evaded Hume's scepticism by diverging towards materialism. The great representative of this doctrine in England had been Hartley, and in Stewart's day Hartley's lead had been followed by Priestley, who attacked Reid from a materialist point of view, by Priestley's successor, Thomas Belsham, and by Erasmus Darwin. We find Stewart, in language which reminds us of later controversy, denouncing the 'Darwinian School'[1] for theories about instinct incompatible with the doctrine of final causes. It might appear that a philosopher who has re-established the objective existence of space in opposition to Berkeley, was in danger of that materialism which had been Berkeley's bugbear. But Stewart escapes the danger by his assertion that our knowledge of matter is 'relative' or confined to phenomena. Materialism is for him a variety of ontology, involving the assumption that we know the essence of matter. To speak with Hartley of 'vibrations,' animal spirits, and so forth, is to be led astray by a false analogy. We can discover the laws of correspondence of mind and body, but not the ultimate nature of either.[2] Thus he regards the 'physiological metaphysics of the present day' as an 'idle waste of labour and ingenuity on questions to which the human mind is altogether incompetent.'[3] The principles found by inductive observation are as independent of these speculations as Newton's theory of gravitation of an ultimate mechanical cause of gravitation.

Hartley's followers, however, could drop the 'vibra-

[1] *Works*, iv. 265. [2] *Ibid.* ii. 52. [3] *Ibid.* v. 10.

tion' theory; and their doctrine then became one of 'association of ideas.' To this famous theory, which became the sheet-anchor of the empirical school, Stewart is not altogether opposed. We find him speaking of 'indissoluble association' in language which reminds us of the Mills.[1] Hume had spoken of association as comparable to gravitation—the sole principle by which our 'ideas' and 'impressions' are combined into a whole; a theory, of course, corresponding to his doctrine of 'belief' as a mere custom of associating. Stewart uses the principle rather as Locke had done, as explaining fallacies due to 'casual associations.' It supposes, as he says, the previous existence of certain principles, and cannot be an ultimate explanation. The only question can be at what point we have reached an 'original principle,' and are therefore bound to stop our analysis.[2] Over this question he glides rather too lightly, as is his custom; but from his point of view the belief, for example, in an external world, cannot be explained by association, inasmuch as it reveals itself as an ultimate datum.

In regard to the physical sciences, then, Stewart's position approximates very closely to the purely 'empirical' view. When we come to a different application of his principles, we find him taking a curiously balanced position between different schools. 'Common sense' naturally wishes to adapt itself to generally accepted beliefs; and with so flexible a doctrine as that of 'intuitions' it is not difficult to discover methods of proving the ordinary dogmas. Stewart's theology is characteristic of this tendency. He describes the so-called *a*

[1] *Works*, ii. 155. [2] *Ibid.* ii. 337.

priori proof, as formulated by Clarke. But without denying its force, he does not like to lay stress upon it. He dreads 'ontology' too much. He therefore considers that the argument at once most satisfactory to the philosopher and most convincing to ordinary men is the argument from design. The belief in God is not 'intuitive,' but follows immediately from two first principles: the principle that whatever exists has a cause, and the principle that a 'combination of means implies a designer.'[1] The belief in a cause arises on our perception of change as our belief in the external world arises upon our sensations. The belief in design must be a 'first principle' because it includes a belief in 'necessity' which cannot arise from mere observation of 'contingent truths.'[2] Hence Stewart accepts the theory of final causes as stated by Paley. Though Paley's ethics offended him, he has nothing but praise for the work upon *Natural Theology*.[3] Thus, although 'common sense' does not enable us to lay down the central doctrine of theology as a primary truth, it does enable us to interpret experience in theological terms. In other words, his theology is of the purely empirical kind, which was, as we shall see, the general characteristic of the time.

In Stewart's discussion of ethical problems the same doctrine of 'final causes' assumes a special importance. Stewart, as elsewhere, tries to hold an intermediate position; to maintain the independence of morality without committing himself to the 'ontological' or purely logical view; and to show that virtue conduces to happiness without allowing that its dictates are to be deduced from

[1] *Works*, vi. 46; vii. 11. [2] *Ibid.* vii. 46. [3] *Ibid.* i. 357.

its tendency to produce happiness. His doctrine is to a great extent derived from the teaching of Hutcheson and Bishop Butler. He really approximates most closely to Hutcheson, who takes a similar view of Utilitarianism, but he professes the warmest admiration of Butler. He explicitly accepts Butler's doctrine of the 'supremacy of the conscience'—a doctrine which as he says, the bishop, 'has placed in the strongest and happiest light.'[1] He endeavours, again, to approximate to the 'intellectual school,' of which Richard Price (1723-1791) was the chief English representative at the time. Like Kant, Price deduces the moral law from principles of pure reason. The truth of the moral law, 'Thou shalt do to others as you wish that they should do to you,' is as evident as the truth of the law in geometry, 'things which are equal to the same thing are equal to each other.' Stewart so far approves that he wishes to give to the moral law what is now called all possible 'objectivity,' while the 'moral sense' of Hutcheson apparently introduced a 'subjective' element. He holds, however, that our moral perceptions 'involve a feeling of the heart,' as well as a 'judgment of the understanding,'[2] and ascribes the same view to Butler. But then, by using the word 'reason' so as to include the whole nature of a rational being, we may ascribe to it the 'origin of those simple ideas which are not excited in the mind by the operation of the senses, but which arise in consequence of the operation of the intellectual powers among the various objects.'[3] Hutcheson, he says, made his 'moral sense' unsatisfactory by taking his illustrations from the 'secondary' instead of the

[1] *Works*, vi. 320. [2] *Ibid.* vi. 279. [3] *Ibid.* vi. 297.

'primary qualities,'[1] and thus with the help of intuitive first principles, Stewart succeeds in believing that it would be as hard for a man to believe that he ought to sacrifice another man's happiness to his own as to believe that three angles of a triangle are equal to one right angle.[2] It is true that a feeling and a judgment are both involved; but the 'intellectual judgment' is the groundwork of the feeling, not the feeling of the judgment.[3] In spite, however, of this attempt to assimilate his principles to those of the intellectual school, the substance of Stewart's ethics is essentially psychological. It rests, in fact, upon his view that philosophy depends upon inductive psychology, and, therefore, essentially upon experience subject to the cropping up of convenient 'intuitions.'

This appears from the nature of his argument against the Utilitarians. In his time, this doctrine was associated with the names of Hartley, Tucker, Godwin, and especially Paley. He scarcely refers to Bentham.[4] Paley is the recognised anvil for the opposite school. Now he agrees, as I have said, with Paley's view of natural theology and entirely accepts therefore the theory of 'final causes.' The same theory becomes prominent in his ethical teaching. We may perhaps say that Stewart's view is in substance an inverted Utilitarianism. It may be best illustrated by an argument familiar in another application. Paley and his opponents might agree that the various instincts of an animal are so constituted that in point of fact they contribute to his

[1] *Works*, vi. 295. Cf. v. 83. [2] *Ibid.* vi. 298-99. [3] *Ibid.* v. 84.

[4] In *Works*, vi. 205-6, he quotes Dumont's *Bentham*; but his general silence is the more significant, as in the lectures on Political Economy he makes frequent and approving reference to Bentham's tract upon usury.

preservation and his happiness. But from one point of view this appears to be simply to say that the conditions of existence necessitate a certain harmony, and that the harmony is therefore to be a consequence of his self-preservation. From the opposite point of view, which Stewart accepts, it appears that the self-preservation is the consequence of a pre-established harmony, which has been divinely appointed in order that he may live. Stewart, in short, is a 'teleologist' of the Paley variety. Psychology proves the existence of design in the moral world, as anatomy or physiology proves it in the physical.

Stewart therefore fully agrees that virtue generally produces happiness. If it be true (a doctrine, he thinks, beyond our competence to decide) that 'the sole principle of action in the Deity' is benevolence, it may be that he has commanded us to be virtuous because he sees virtue to be useful. In this case utility may be the final cause of morality; and the fact that virtue has this tendency gives the plausibility to utilitarian systems.[1] But the key to the difficulty is the distinction between 'final' and 'efficient' causes; for the efficient cause of morality is not the desire for happiness, but a primitive and simple instinct, namely, the moral faculty.

Thus he rejects Paley's notorious doctrine that virtue differs from prudence only in regarding the consequences in another world instead of consequences in this.[2] Reward and punishment 'presuppose the notions of right and wrong' and cannot be the source of those notions. The favourite doctrine of association,

[1] *Works*, vii. 236-38. [2] *Ibid.* vi. 221.

by which the Utilitarians explained unselfishness, is only admissible as accounting for modifications, such as are due to education and example, but 'presupposes the existence of certain principles which are common to all mankind.' The evidence of such principles is established by a long and discursive psychological discussion. It is enough to say that he admits two rational principles, 'self-love' and the 'moral faculty,' the coincidence of which is learned only by experience. The moral faculty reveals simple 'ideas' of right and wrong, which are incapable of any further analysis. But besides these, there is a hierarchy of other instincts or desires, which he calls 'implanted' because 'for aught we know' they may be of 'arbitrary appointment.'[1] Resentment, for example, is an implanted instinct, of which the 'final cause' is to defend us against 'sudden violence.'[2] Stewart's analysis is easy-going and suggests more problems than it solves. The general position, however, is clear enough, and not, I think, without much real force as against the Paley form of utilitarianism.

The acceptance of the doctrine of 'final causes' was the inevitable course for a philosopher who wishes to retain the old creeds and yet to appeal unequivocally to experience. It suits the amiable optimism for which Stewart is noticeable. To prove the existence of a perfect deity from the evidence afforded by the world, you must of course take a favourable view of the observable order. Stewart shows the same tendency in his Political Economy, where he is Adam Smith's disciple, and fully shares Smith's beliefs that the harmony between

[1] *Works*, vi. 213. [2] *Ibid.* vi. 199.

the interests of the individual and the interests of the society is an evidence of design in the Creator of mankind. In this respect Stewart differs notably from Butler, to whose reasonings he otherwise owed a good deal. With Butler the conscience implies a dread of divine wrath and justifies the conception of a world alienated from its maker. Stewart's 'moral faculty' simply recognises or reveals the moral law; but carries no suggestion of supernatural penalties. The doctrines by which Butler attracted some readers and revolted others throw no shadow over his writings. He is a placid enlightened professor, whose real good feeling and frequent shrewdness should not be overlooked in consequence of the rather desultory and often superficial mode of reasoning. This, however, suggests a final remark upon Stewart's position.

In the preface[1] to his *Active and Moral Powers* (1828) Stewart apologises for the large space given to the treatment of Natural Religion. The lectures, he says, which form the substance of the book, were given at a time when 'enlightened zeal for liberty' was associated with the 'reckless boldness of the uncompromising freethinker.' He wished, therefore, to show that a man could be a liberal without being an atheist. This gives the position characteristic of Stewart and his friends. The group of eminent men who made Edinburgh a philosophical centre was thoroughly in sympathy with the rationalist movement of the eighteenth century. The old dogmatic system of belief could be held very lightly even by the more educated clergy. Hume's position is significant. He could lay down the most

[1] *Works*, vi. 111.

unqualified scepticism in his writings; but he always regarded his theories as intended for the enlightened; he had no wish to disturb popular beliefs in theology, and was a strong Tory in politics. His friends were quite ready to take him upon that footing. The politeness with which 'Mr. Hume's' speculations are noticed by men like Stewart and Reid is in characteristic contrast to the reception generally accorded to more popular sceptics. They were intellectual curiosities not meant for immediate application. The real opinion of such men as Adam Smith and Stewart was probably a rather vague and optimistic theism. In the professor's chair they could talk to lads intended for the ministry without insulting such old Scottish prejudice (there was a good deal of it) as survived: and could cover rationalising opinions under language which perhaps might have a different meaning for their hearers. The position was necessarily one of tacit compromise. Stewart considers himself to be an inductive philosopher appealing frankly to experience and reason; and was in practice a man of thoroughly liberal and generous feelings. He was heartily in favour of progress as he understood it. Only he will not sacrifice common sense; that is to say, the beliefs which are in fact prevalent and congenial to existing institutions. Common sense, of course, condemns extremes: and if logic seems to be pushing a man towards scepticism in philosophy or revolution in practice, he can always protest by the convenient device of intuitions.

I have gone so far in order to illustrate the nature of the system which the Utilitarians took to be the antithesis of their own. It may be finally remarked that at present

both sides were equally ignorant of contemporary developments of German thought. When Stewart became aware that there was such a thing as Kant's philosophy, he tried to read it in a Latin version. Parr, I may observe, apparently did not know of this version, and gave up the task of reading German. Stewart's example was not encouraging. He had abandoned the 'undertaking in despair' partly from the scholastic barbarism of the style, partly 'my utter inability to comprehend the author's meaning.' He recognises similarity between Kant and Reid, but thinks Reid's simple statement of the fact that space cannot be derived from the senses more philosophical than Kant's 'superstructure of technical mystery.'[1]

I have dwelt upon the side in which Stewart's philosophy approximates to the empirical school, because the Utilitarians were apt to misconceive the position. They took Stewart to be the adequate representative of all who accepted one branch of an inevitable dilemma. The acceptance of 'intuitions,' that is, was the only alternative to thoroughgoing acceptance of 'experience.' They supposed, too, that persons vaguely described as 'Kant and the Germans' taught simply a modification of the 'intuitionist' view. I have noticed how emphatically Stewart claimed to rely upon experience and to base his philosophy upon inductive psychology, and was so far admitting the first principles and the general methods of his opponents. The Scottish philosophy, however, naturally presented itself as an antagonistic force to the Utilitarians. The 'intuitions' represented

[1] *Works*, v. 117 18. I have given some details as to Stewart's suffering under an English proselyte of Kant in my *Studies of a Biographer*.

the ultimate ground taken, especially in religious and ethical questions, by men who wished to be at once liberal philosophers and yet to avoid revolutionary extremes. 'Intuitions' had in any case a negative value, as protests against the sufficiency of the empirical analysis. It might be quite true, for example, that Hume's analysis of certain primary mental phenomena—of our belief in the external world or of the relation of cause and effect—was radically insufficient. He had not given an adequate explanation of the facts. The recognition of the insufficiency of his reasoning was highly important if only as a stimulus to inquiry. It was a warning to his and to Hartley's followers that they had not thoroughly unravelled the perplexity but only cut the knot. But when the insufficiency of the explanation was interpreted as a demonstration that all explanation was impossible, and the 'intuition' an ultimate 'self-evident' truth, it became a refusal to inquire just where inquiry was wanted; a positive command to stop analysis at an arbitrary point; and a round assertion that the adversary could not help believing precisely the doctrine which he altogether declined to believe. Naturally the empiricists refused to bow to an authority which was simply saying, 'Don't inquire further,' without any ground for the prohibition except the '*ipse dixitism*' which declared that inquiry must be fruitless. Stewart, in fact, really illustrated the equivocation between the two meanings of 'common sense.' If by that name he understood, as he professed to understand, ultimate 'laws of thought,' his position was justifiable as soon as he could specify the laws and prove that they were ultimate. But so far as he virtually took for granted that the average beliefs of

intelligent people were such laws, and on that ground refused to examine the evidence of their validity, he was inconsistent, and his position only invited assault. As a fact, I believe that his 'intuitions' covered many most disputable propositions; and that the more clearly they were stated, the more they failed to justify his interpretations. He was not really answering the most vital and critical questions, but implicitly reserving them, and putting an arbitrary stop to investigations desirable on his own principles.

The Scottish philosophy was, however, accepted in England, and made a considerable impression in France, as affording a tenable barrier against scepticism. It was, as I have said, in philosophy what Whiggism was in politics. Like political Whiggism it included a large element of enlightened and liberal rationalism; but like Whiggism it covered an aversion to thoroughgoing logic. The English politician was suspicious of abstract principles, but could cover his acceptance of tradition and rule of thumb by general phrases about liberty and toleration. The Whig in philosophy equally accepted the traditional creed, sufficiently purified from cruder elements, and sheltered his doctrine by speaking of 'intuitions and laws of thought.' In both positions there was really, I take it, a great deal of sound practical wisdom; but they also implied a marked reluctance to push inquiry too far, and a tacit agreement to be content with what the Utilitarians denounced as 'vague generalities'—phrases, that is, which might be used either to conceal an underlying scepticism, or really to stop short in the path which led to scepticism. In philosophy as in politics, the Utilitarians boasted of

being thoroughgoing Radicals, and hated compromises *which to them appeared to be simply obstructive. I need not elaborate a point which will meet us again. If I were writing a history of thought in general I should have to* notice other writers, though there were none of much distinction, who followed the teaching of Stewart or of his opponents of the Hartley and Darwin school. It would be necessary also to insist upon the growing interest in the physical sciences, which were beginning not only to make enormous advances, but to attract popular attention. For my purpose, however, it is I think sufficient to mention these writers, each of whom had a very special relation to the Utilitarians. I turn, therefore, to Bentham.

CHAPTER V

BENTHAM'S LIFE

I. EARLY LIFE

JEREMY BENTHAM,[1] the patriarch of the English Utilitarians, sprang from the class imbued most thoroughly with the typical English prejudices. His first recorded ancestor, Brian Bentham, was a pawnbroker, who lost money by the stop of the Exchequer in 1672, but was neither ruined, nor, it would seem, alienated by the king's dishonesty. He left some thousands to his son, Jeremiah, an attorney and a strong Jacobite. A second Jeremiah, born 2nd December 1712, carried on his father's business, and though his clients were not numerous, increased his fortune by judicious investments in houses and lands. Although brought up in Jacobite

[1] The main authority for Bentham's Life is Bowring's account in the two last volumes of the *Works*. Bain's *Life of James Mill* gives some useful facts as to the later period. There is comparatively little mention of Bentham in contemporary memoirs. Little is said of him in Romilly's *Life*. Parr's *Works*, i. and viii., contains some letters. See also R. Dale Owen's *Threading my Way*, pp. 175-78. A little book called *Utilitarianism Unmasked*, by the Rev. J. F. Colls, D.D. (1844), gives some reminiscences by Colls, who had been Bentham's amanuensis for fourteen years. Colls, who took orders, disliked Bentham's religious levity, and denounces his vanity, but admits his early kindness. Voluminous collections of the papers used by Bowring are at University College, and at the British Museum.

principles, he transferred his attachment to the Hanoverian dynasty when a relation of his wife married a valet of George II. The wife, Alicia Grove, was daughter of a tradesman who had made a small competence at Andover. Jeremiah Bentham had fallen in love with her at first sight, and wisely gave up for her sake a match with a fortune of £10,000. The couple were fondly attached to each other and to their children. The marriage took place towards the end of 1744, and the eldest son, Jeremy, was born in Red Lion Street, Houndsditch, 4th February 1747-48 (o.s.) The only other child who grew up was Samuel, afterwards Sir Samuel Bentham, born 11th January 1757. When eighty years old, Jeremy gave anecdotes of his infancy to his biographer, Bowring, who says that their accuracy was confirmed by contemporary documents, and proved his memory to be as wonderful as his precocity. Although the child was physically puny, his intellectual development was amazing. Before he was two he burst into tears at the sight of his mother's chagrin upon his refusal of some offered dainty. Before he was 'breeched,' an event which happened when he was three and a quarter, he ran home from a dull walk, ordered a footman to bring lights and place a folio *Rapin* upon the table and was found plunged in historical studies when his parents returned to the house. In his fourth year he was imbibing the Latin grammar, and at the age of five years nine months and nineteen days, as his father notes, he wrote a scrap of Latin, carefully pasted among the parental memoranda. The child was not always immured in London. His parents spent their Sundays with the grandfather Bentham at Barking, and made

occasional excursions to the house of Mrs. Bentham's mother at Browning Hill, near Reading. Bentham remembered the last as a 'paradise,' and a love of flowers and gardens became one of his permanent passions.

Jeremy cherished the memory of his mother's tenderness. The father, though less sympathetic, was proud of his son's precocity, and apparently injudicious in stimulating the unformed intellect. The boy was almost a dwarf in size. When sixteen he grew ahead,[1] and was so feeble that he could scarcely drag himself upstairs. Attempts to teach him dancing failed from the extreme weakness of his knees.[2] He showed a taste for music, and could scrape a minuet on the fiddle at six years of age. He read all such books as came in his way. His parents objected to light literature, and he was crammed with such solid works as *Rapin*, Burnet's *Theory of the Earth*, and Cave's *Lives of the Apostles*. Various accidents, however, furnished him with better food for the imagination. He wept for hours over *Clarissa Harlowe*, studied *Gulliver's Travels* as an authentic document, and dipped into a variety of such books as then drifted into middle-class libraries. A French teacher introduced him to some remarkable books. He read *Télémaque*, which deeply impressed him, and, as he thought, implanted in his mind the seeds of later moralising. He attacked unsuccessfully some of Voltaire's historical works, and even read *Candide*, with what emotions we are not told. The servants meanwhile filled his fancy with ghosts and hobgoblins. To the end of his days he was still haunted by the imaginary horrors in the dark,[3] and he says[4] that they had been among the torments of his life. He had

[1] *Works*, x. 33. [2] *Ibid.* x. 31. [3] *Ibid.* ix. 84. [4] *Ibid.* x. 18.

few companions of his own age, and though he was 'not unhappy' and was never subjected to corporal punishment, he felt more awe than affection for his father. His mother, to whom he was strongly attached, died on 6th January 1759.

Bentham was thus a strangely precocious, and a morbidly sensitive child, when it was decided in 1755 to send him to Westminster. The headmaster, Dr. Markham, was a friend of his father's. Westminster, he says, represented 'hell' for him when Browning Hill stood for paradise. The instruction 'was wretched.' The fagging system was a 'horrid despotism.' The games were too much for his strength. His industry, however, enabled him to escape the birch, no small achievement in those days,[1] and he became distinguished in the studies such as they were. He learned the catechism by heart, and was good at Greek and Latin verses, which he manufactured for his companions as well as himself. He had also the rarer accomplishment, acquired from his early tutor, of writing more easily in French than English. Some of his writings were originally composed in French. He was, according to Bowring, elected to one of the King's scholarships when between nine and ten, but as 'ill-usage was apprehended' the appointment was declined.[2] He was at a boarding-house, and the life of the boys on the foundation was probably rougher. In June 1760 his father took him to Oxford, and entered him as a commoner at Queen's College. He came into residence in the following October, when only twelve

[1] Southey was expelled from Westminster in 1792 for attacking the birch in a schoolboy paper.

[2] *Works*, x. 38. Bowring's confused statement, I take it, means this. Bentham, in any case, was not on the foundation. See Welsh's *Alumni West.*

years old. Oxford was not more congenial than Westminster. He had to sign the Thirty-nine Articles in spite of scruples suppressed by authority. The impression made upon him by this childish compliance never left him to the end of his life.[1] His experience resembled that of Adam Smith and Gibbon. Laziness and vice were prevalent. A gentleman commoner of Queen's was president of a 'hellfire club,' and brutal horseplay was still practised upon the weaker lads. Bentham, still a schoolboy in age, continued his schoolboy course. He wrote Latin verses, and one of his experiments, an ode upon the death of George II., was sent to Johnson, who called it 'a very pretty performance for a young man.' He also had to go through the form of disputation in the schools. Queen's College had some reputation at this time for teaching logic.[2] Bentham was set to read Watt's *Logic* (1725), Sanderson's *Compendium artis Logicae*' (1615), and Rowning's *Compendious System of Natural Philosophy* (1735-42). Some traces of these studies remained in his mind.

In 1763 Bentham took his B.A. degree, and returned to his home. It is significant that when robbed of all his money at Oxford he did not confide in his father. He was paying by a morbid reserve for the attempts made to force him into premature activity. He accepted the career imposed by his father's wishes, and in November 1763 began to eat his dinners in Lincoln's Inn. He returned, however, to Oxford in December to hear Blackstone's lectures. These lectures were then a novelty at an English university. The Vinerian professorship had been founded in 1758 in consequence of the success of a

[1] *Works*, x. 37. [2] *Ibid.* viii. 113, 217.

course voluntarily given by Blackstone; and his lectures contained the substance of the famous Commentaries, first published 1765-1769. They had a great effect upon Bentham. He says that he 'immediately detected Blackstone's fallacy respecting natural rights,' thought other doctrines illogical, and was so much occupied by these reflections as to be unable to take notes. Bentham's dissatisfaction with Blackstone had not yet made him an opponent of the constituted order. He was present at some of the proceedings against Wilkes, and was perfectly bewitched by Lord Mansfield's '*Grimgibber*,' that is, taken in by his pompous verbiage.[1]

In 1765 his father married Mrs. Abbot, the mother of Charles Abbot, afterwards Lord Colchester. Bentham's dislike of his step-mother increased the distance between him and his father. He took his M.A. degree in 1766 and in 1767 finally left Oxford for London to begin, as his father fondly hoped, a flight towards the woolsack. The lad's diffidence and extreme youth had indeed prevented him from forming the usual connections which his father anticipated as the result of a college life. His career as a barrister was short and grievously disappointing to the parental hopes. His father, like the Elder Fairford in *Redgauntlet*, had 'a cause or two at nurse' for the son. The son's first thought was to 'put them to death.' A brief was given to him in a suit, upon which £50 depended. He advised that the suit should be dropped and the money saved. Other experiences only increased his repugnance to his profession.[2] A singularly strong impression had been made upon him by the *Memoirs* of Teresa Constantia Phipps, in which

[1] *Works*, x. 45. [2] *Ibid.* x. 51, 78, 83.

there is an account of vexatious legal proceedings as to the heroine's marriage. He appears to have first read this book in 1759. Then, he says, the 'Demon of Chicane appeared to me in all his hideousness. I vowed war against him. My vow has been accomplished!'[1] Bentham thus went to the bar as a 'bear to the stake.' He diverged in more than one direction. He studied chemistry under Fordyce (1736-1802), and hankered after physical science. He was long afterwards (1788) member of a club to which Sir Joseph Banks, John Hunter, R. L. Edgeworth, and other men of scientific reputation belonged.[2] But he had drifted into a course of speculation, which, though more germane to legal studies, was equally fatal to professional success. The father despaired, and he was considered to be a 'lost child.'

II. FIRST WRITINGS

Though lost to the bar, he had really found himself. He had taken the line prescribed by his idiosyncrasy. His father's injudicious forcing had increased his shyness at the bar, and he was like an owl in daylight. But no one, as we shall see, was less diffident in speculation. Self-confidence in a philosopher is often the private credit which he opens with his imagination to compensate for his incapacity in the rough struggles of active life. Bentham shrank from the world in which he was easily browbeaten to the study in which he could reign supreme. He had not the strong passions which prompt

[1] *Works*, x. 35, 77. References are given to this book in *Works*, vii. 219-20 ('Rationale of Evidence'). Several editions appeared from 1725 to 1761. See *Works*, vi. 465, for a recollection of similar experiences.

[2] *Ibid.* viii. 148 *n.*; x. 183.

commonplace ambition, and cared little for the prizes for which most men will sacrifice their lives. Nor, on the other hand, can he be credited with that ardent philanthropy or vehement indignation which prompts to an internecine struggle with actual wrongdoers. He had not the ardour which led Howard to devote a life to destroy abuses, or that which turned Swift's blood to gall in the struggle against triumphant corruption. He was thoroughly amiable, but of kindly rather than energetic affections. He, therefore, desired reform, but so far from regarding the ruling classes with rancour, took their part against the democrats. 'I was a great reformist,' he says, 'but never suspected that the "people in power" were against reform. I supposed they only wanted to know what was good in order to embrace it.'[1] The most real of pleasures for him lay in speculating upon the general principles by which the 'people in power' should be guided. To construct a general chart for legislation, to hunt down sophistries, to explode mere noisy rhetoric, to classify and arrange and re-classify until his whole intellectual wealth was neatly arranged in proper pigeon-holes, was a delight for its own sake. He wished well to mankind; he detested abuses, but he hated neither the corrupted nor the corruptors; and it might almost seem that he rather valued the benevolent end, because it gave employment to his faculties, than valued the employment because it led to the end. This is implied in his remark made at the end of his life. He was, he said, as selfish as a man could be; but 'somehow or other' selfishness had in him taken the form of benevolence.[2] He was at any rate in the position of a

[1] *Works*, x. 66. [2] *Ibid.* xi. 95.

man with the agreeable conviction that he has only to prove the wisdom of a given course in order to secure its adoption. Like many mechanical inventors, he took for granted that a process which was shown to be useful would therefore be at once adopted, and failed to anticipate the determined opposition of the great mass of 'vested interests' already in possession.

At this period he made the discovery, or what he held to be the discovery, which governed his whole future career. He laid down the principle which was to give the clue to all his investigations; and, as he thought, required only to be announced to secure universal acceptance. When Bentham revolted against the intellectual food provided at school and college, he naturally took up the philosophy which at that period represented the really living stream of thought. To be a man of enlightenment in those days was to belong to the school of Locke. Locke represented reason, free thought, and the abandonment of prejudice. Besides Locke, he mentions Hume, Montesquieu, Helvétius, Beccaria, and Barrington. Helvétius especially did much to suggest to him his leading principle, and upon country trips which he took with his father and step-mother, he used to lag behind studying Helvétius' *De l'Esprit.*[1] Locke, he says in an early note (1773-1774), should give the principles, Helvétius the matter, of a complete digest of the law. He mentions with especial interest the third volume of Hume's *Treatise on Human Nature* for its ethical views: 'he felt as if scales fell from his eyes' when he read it.[2] Daines Barrington's *Observations on the Statutes* (1766) interested him by miscellaneous sug-

[1] *Works*, x. 54. [2] *Ibid.* i. 268 *n.*

gestions. The book, he says,[1] was a 'great treasure.' 'It is everything, *à propos* of everything; I wrote volumes upon this volume.' Beccaria's treatise upon crimes and punishments had appeared in 1764, and had excited the applause of Europe. The world was clearly ready for a fundamental reconstruction of legislative theories. Under the influence of such studies Bentham formulated his famous principle—a principle which to some seemed a barren truism, to others a mere epigram, and to some a dangerous falsehood. Bentham accepted it not only as true, but as expressing a truth of extraordinary fecundity, capable of guiding him through the whole labyrinth of political and legislative speculation. His 'fundamental axiom' is that 'the greatest happiness of the greatest number is the measure of right and wrong.'[2] Bentham himself[3] attributes the authorship of the phrase to Beccaria or Priestley. The general order of thought to which this theory belongs was of course

[1] *Works*, x. 121. [2] *Ibid.* i. 227.

[3] *Ibid.* x. 79, 142. See also *Deontology*, i. 298-302, where Bentham speaks of discovering the phrase in Priestley's *Essay on Government*, in 1768. Priestley says (p. 17) that 'the good and happiness of the members, that is of the majority of the members, of any state is the great standard by which everything relating to that state must be finally determined.' So Le Mercier de la Rivière says, in 1767, that the ultimate end of society is *assurer le plus grand bonheur possible à la plus grande population possible* (Daire's *Economistes*, p. 470). Hutcheson's *Enquiry concerning Moral Good and Evil*, 1725, see iii. § 8, says 'that action is best which secures the greatest happiness of the greatest number.' Beccaria, in the preface to his essay, speaks of *la massima felicità divisa nel maggior numero.* J. S. Mill says that he found the word 'Utilitarian' in Galt's *Annals of the Parish*, and gave the name to the society founded by him in 1822-1823 (*Autobiography*, p. 79). The word had been used by Bentham himself in 1781, and he suggested it to Dumont in 1802 as the proper name of the party, instead of 'Benthamite' (*Works*, x. 92, 390). He afterwards thought it a bad name, because it gave a 'vague idea' (*Works*, x. 582), and substituted 'greatest happiness principle' for 'principle of utility' (*Works*, i.: 'Morals and Legislation).

not the property of any special writer or any particular period. Here I need only observe that this embodiment of the general doctrine of utility or morality had been struck out by Hutcheson in the attempt (as his title says) 'to introduce a mathematical calculation on subjects of morality.' This defines the exact reason which made it acceptable to Bentham. For the vague reference to utility which appears in Hume and other writers of his school, he substituted a formula, the terms of which suggest the possibility of an accurate quantitative comparison of different sums of happiness. In Bentham's mind the difference between this and the more general formula was like the difference between the statement that the planets gravitate towards the sun, and the more precise statement that the law of gravitation varies inversely as the square of the distance. Bentham hoped for no less an achievement than to become the Newton of the moral world.

Bentham, after leaving Oxford, took chambers in Lincoln's Inn. His father on his second marriage had settled some property upon him, which brought in some £90 a year. He had to live like a gentleman upon this, and to give four guineas a year to the laundress, four to his barber, and two to his shoeblack. In spite of Jeremy's deviation from the path of preferment, the two were on friendly terms, and when the hopes of the son's professional success grew faint, the father showed sympathy with his literary undertakings. Jeremy visited Paris in 1770, but made few acquaintances, though he was already regarded as a 'philosopher.' In 1778 he was in correspondence with d'Alembert, the abbé Morellet, and other philanthropic philosophers, but it

does not appear at what time this connection began.[1] He translated Voltaire's *Taureau Blanc*[2]—a story which used to 'convulse him with laughter.' A reference to it will show that Bentham by this time took the Voltairean view of the Old Testament. Bentham, however, was still on the side of the Tories. His first publication was a defence of Lord Mansfield in 1770 against attacks arising out of the prosecution of Woodfall for publishing Junius's letter to the king. This defence, contained in two letters, signed Irenæus, was published in the *Gazetteer*. Bentham's next performance was remarkable in the same sense. Among the few friends who drifted to his chambers was John Lind (1737-1781), who had been a clergyman, and after acting as tutor to a prince in Poland, had returned to London and become a writer for the press. He had business relations with the elder Bentham, and the younger Bentham was to some extent his collaborator in a pamphlet[3] which defended the conduct of ministers to the American colonies. Bentham observes that he was prejudiced against the Americans by the badness of their arguments, and thought from the first, as he continued to think, that the Declaration of Independence was a hodge-podge of confusion and absurdity, in which the thing to be proved is all along taken for granted.[4] Two other friendships were formed by Bentham about this time: one with James Trail, an

[1] A letter in the Additional MSS. 33, 537, shows that Bentham sent his 'Fragment' and his 'Hard Labour' pamphlet to d'Alembert in 1778, apparently introducing himself for the first time. Cf. *Works*, x. 87-88, 193-94.

[2] The translation of 1774. See Lowndes' *Manual* under Voltaire, *Works*, x. 83 *n*.

[3] *Review of the Acts of the Thirteenth Parliament, etc.* (1775).

[4] *Works*, x. 57, 63.

unsuccessful barrister, who owed a seat in Parliament and some minor offices to Lord Hertford, and is said by Romilly to have been a man of great talent; and one with George Wilson, afterwards a leader of the Norfolk circuit, who had become known to him through a common interest in Dr. Fordyce's lectures upon chemistry. Wilson became a bosom friend, and was one of Bentham's first disciples, though they were ultimately alienated.[1]

At this time, Bentham says, that his was 'truly a miserable life.'[2] Yet he was getting to work upon his grand project. He tells his father on 1st October 1776 that he is writing his *Critical Elements of Jurisprudence*, the book of which a part was afterwards published as the *Introduction to the Principles of Morals and Legislation.*[3] In the same year he published his first important work, the *Fragment on Government.* The year was in many ways memorable. The Declaration of Independence marked the opening of a new political era. Adam Smith's *Wealth of Nations* and Gibbon's *Decline and Fall* formed landmarks in speculation and in history; and Bentham's volume, though it made no such impression, announced a serious attempt to apply scientific methods to problems of legislation. The preface contained the first declaration of his famous formula which was applied to the confutation of Blackstone. Bentham was apparently roused to this effort by recollections of the Oxford lectures. The *Commentaries* contained a certain quantity of philosophical rhetoric; and as Blackstone was much greater in a literary than in a philosophical sense, the result was naturally unsatisfactory from a scientific point

[1] *Works*, x. 133-35. [2] *Ibid.* x. 84. [3] *Ibid.* x. 77.

of view. He had vaguely appealed to the sound Whig doctrine of social compact, and while disavowing any strict historical basis had not inquired too curiously what was left of his supposed foundation. Bentham pounced upon the unfortunate bit of verbiage; insisted upon asking for a meaning when there was nothing but a rhetorical flourish, and tore the whole flimsy fabric to rags and tatters. A more bitter attack upon Blackstone, chiefly, as Bowring says, upon his defence of the Jewish law, was suppressed for fear of the law of libel.[1] The *Fragment* was published anonymously, but Bentham had confided the secret to his father by way of suggesting some slight set-off against his apparent unwillingness to emerge from obscurity. The book was at first attributed to Lord Mansfield, Lord Camden, and to Dunning. It was pirated in Dublin; and most of the five hundred copies printed appear to have been sold, though without profit to the author. The father's indiscretion let out the secret; and the sale, when the book was known to be written by a nobody, fell off at once, or so Bentham believed. The anonymous writer, however, was denounced and accused of being the author of much ribaldry, and among other accusations was said to be not only the translator but the writer of the *White Bull*.[2]

Bentham had fancied that all manner of 'torches from the highest regions' would come to light themselves at his 'farthing candle.' None of them came, and he was left for some years in obscurity, though still labouring at

[1] *Works*, x. 82.

[2] *Works*, x. 77-82. Blackstone took no notice of the work, except by some allusions in the preface to his next edition. Bentham criticised Blackstone respectfully in the pamphlet upon the Hard Labour Bill (1778). Blackstone sent a courteous but 'frigidly cautious' reply to the author.—*Works*, i. 255.

the great work which was one day to enlighten the world. At last, however, partial recognition came to him in a shape which greatly influenced his career. Lord Shelburne, afterwards marquis of Lansdowne, had been impressed by the *Fragment*, and in 1781 sought out Bentham at his chambers. Shelburne's career was to culminate in the following year with his brief tenure of the premiership (3rd July 1782 to 24th February 1783). Rightly or wrongly his contemporaries felt the distrust indicated by his nickname 'Malagrida,' which appears to have been partly suggested by a habit of overstrained compliment. He incurred the dislike not unfrequently excited by men who claim superiority of intellect without possessing the force of character which gives a corresponding weight in political affairs. Although his education had been bad, he had something of that cosmopolitan training which enabled many members of the aristocracy to look beyond the narrow middle-class prejudices and share in some degree the wider philosophical movements of the day. He had enjoyed the friendship of Franklin, and had been the patron of Priestley, who made some of his chemical discoveries at Bowood, and to whom he allowed an annuity. He belonged to that section of the Whigs which had most sympathy with the revolutionary movement. His chief political lieutenants were Dunning and Barré, who at the time sat for his borough Calne. He now rapidly formed an intimacy with Bentham, who went to stay at Bowood in the autumn of 1781. Bentham now and then in later years made some rather disparaging remarks upon Shelburne, whom he apparently considered to be rather an amateur than a serious philosopher, and who in the

House of Lords talked 'vague generalities'[1]—the sacred phrase by which the Utilitarians denounced all preaching but their own—in a way to impose upon the thoughtless. He respected Shelburne, however, as one who trusted the people, and was distrusted by the Whig aristocracy. He felt, too, a real affection and gratitude for the patron to whom he owed so much. Shelburne had done him a great service.[1] 'He raised me from the bottomless pit of humiliation. He made me feel I was something.' The elder Bentham was impressed by his son's acquaintance with a man in so eminent a position, and hoped that it might lead by a different path to the success which had been missed at the bar. At Bowood Bentham stayed over a month upon his first visit, and was treated in the manner appropriate to a philosopher. The men showed him friendliness, dashed with occasional contempt, and the ladies petted him. He met Lord Camden and Dunning and young William Pitt, and some minor adherents of the great man. Pitt was 'very good-natured and a little raw.' I was monstrously 'frightened at him,' but, when I came to talk with him, he seemed 'frightened at me.'[2] Bentham, however, did not see what ideas they were likely to have in common. In fact there was the usual gulf between the speculative thinker and the practical man. 'All the statesmen,' so thought the philosopher, 'were wanting in the great elements of statesmanship': they were always talking about 'what *was*' and seldom or never about 'what ought to be.'[3] Occasionally, it would seem, they descended lower, and made a little fun of the shy and over-sensitive intruder.[4]

[1] *Works*, x. 115-17, 186

[2] *Ibid.* x. 100.

[3] *Ibid.* x. 122.

[4] *Ibid.* x. 118; i. 253.

The ladies, however, made it up to him. Shelburne made him read his 'dry metaphysics' to them,[1] and they received it with feminine docility. Lord Shelburne had lately (1779) married his second wife, Louisa, daughter of the first earl of Upper Ossory. Her sister, Lady Mary Fitz-Patrick, married in 1766 to Stephen Fox, afterwards Lord Holland, was the mother of the Lord Holland of later days and of Miss Caroline Fox, who survived till 1845, and was at this time a pleasant girl of thirteen or fourteen. Lady Shelburne had also two half-sisters, daughters of her mother's second marriage to Richard Vernon. Lady Shelburne took a fancy to Bentham, and gave him the 'prodigious privilege' of admission to her dressing-room. Though haughty in manner, she was mild in reality, and after a time she and her sister indulged in 'innocent gambols.' In her last illness, Bentham was one of the only two men whom she would see, and upon her death in 1789, he was the only male friend to whom her husband turned for consolation. Miss Fox seems to have been the only woman who inspired Bentham with a sentiment approaching to passion. He wrote occasional letters to the ladies in the tone of elephantine pleasantry natural to one who was all his life both a philosopher and a child.[2] He made an offer of marriage to Miss Fox in 1805, when he was nearer sixty than fifty, and when they had not met for sixteen years. The immediate occasion was presumably the death of Lord Lansdowne. She replied in a friendly letter, regretting the pain which her refusal would inflict. In 1827 Bentham, then in his eightieth year, wrote once more, speaking of the flower she had

[1] *Works*, x. 97; i. 252.

[2] *Ibid.* x. 219, 265.

given him 'in the green lane,' and asking for a kind answer. He was 'indescribably hurt and disappointed' by a cold and distant reply. The tears would come into the old man's eyes as he dealt upon the cherished memories of Bowood.[1] It is pleasant to know that Bentham was once in love; though his love seems to have been chiefly for a memory, associated with what he called the happiest time of his life.

Shelburne had a project for a marriage between Bentham and the widow of Lord Ashburton (Dunning), who died in 1783.[2] He also made some overtures of patronage. 'He asked me,' says Bentham,[3] 'what he could do for me? I told him, nothing,' and this conduct —so different from that of others, 'endeared me to him.' Bentham declined one offer in 1788; but in 1790 he suddenly took it into his head that Lansdowne had promised him a seat in parliament; and immediately set forth his claims in a vast argumentative letter of sixty-one pages.[4] Lansdowne replied conclusively that he had not made the supposed promise, and had had every reason to suppose that Bentham preferred retirement to politics. Bentham accepted the statement frankly, though a short coolness apparently followed. The claim, in fact, only represented one of those passing moods to which Bentham was always giving way at odd moments.

Bentham's intimacy at Bowood led to more important results. In 1788 he met Romilly and Dumont at Lord Lansdowne's table.[5] He had already met Romilly in 1784 through Wilson, but after this the intimacy became close. Romilly had fallen in love with the

[1] *Works*, x. 118, 419, 558. [2] *Ibid.* i. 253. [3] *Ibid.* x. 116, 182.
[4] *Ibid.* x. 228-42. [5] *Ibid.* x. 186.

Fragment, and in later life he became Bentham's adviser in practical matters, and the chief if not the sole expounder of Bentham's theories in parliament.[1] The alliance with Dumont was of even greater importance. Dumont, born at Geneva in 1759, had become a Protestant minister; he was afterwards tutor to Shelburne's son, and in 1788 visited Paris with Romilly and made acquaintance with Mirabeau. Romilly showed Dumont some of Bentham's papers written in French. Dumont offered to rewrite and to superintend their publication. He afterwards received other papers from Bentham himself, with whom he became personally acquainted after his return from Paris.[2] Dumont became Bentham's most devoted disciple, and laboured unweariedly upon the translation and condensation of his master's treatise. One result is odd enough. Dumont, it is said, provided materials for some of Mirabeau's 'most splendid' speeches; and some of these materials came from Bentham.[3] One would like to see how Bentham's prose was transmuted into an oratory by Mirabeau. In any case, Dumont's services to Bentham were invaluable. It is painful to add that according to Bowring the two became so much alienated in the end, that in 1827 Bentham refused to see Dumont, and declared that his chief interpreter did 'not understand a word of his meaning.' Bowring attributes this separation to a remark made by Dumont about the shabbiness of Bentham's dinners as compared with those at Lansdowne House—a comparison which he calls 'offensive, uncalled-for, and groundless.'[4] Bentham apparently argued that a man

[1] *Works*, v. 370.
[2] *Souvenirs sur Mirabeau* (preface).
[3] *Works*, x. 185.
[4] *Works*, x. 185. Colls (p. 41) tells the same story.

who did not like his dinners could not appreciate his theories: a fallacy excusable only by the pettishness of old age. Bowring, however, had a natural dulness which distorted many anecdotes transmitted through him; and we may hope that in this case there was some exaggeration.

Bentham's emergence was, meanwhile, very slow. The great men whom he met at Lord Lansdowne's were not specially impressed by the shy philosopher. Wedderburn, so he heard, pronounced the fatal word 'dangerous' in regard to the *Fragment*.[1] How, thought Bentham, can utility be dangerous? Is this not self-contradictory? Later reflection explained the puzzle. What is useful to the governed need not be therefore useful to the governors. Mansfield, who was known to Lind, said that in some parts the author of the *Fragment* was awake and in others was asleep. In what parts? Bentham wondered. Awake, he afterwards considered, in the parts where Blackstone, the object of Mansfield's personal 'heart-burning,' was attacked; asleep where Mansfield's own despotism was threatened. Camden was contemptuous; Dunning only 'scowled' at him; and Barré, after taking in his book, gave it back with the mysterious information that he had 'got into a scrape.'[2] The great book, therefore, though printed in 1781,[3] 'stuck for eight years,'[4] and the writer continued his obscure existence in Lincoln's Inn.[5] An opinion

[1] *Works* ('Fragment, etc.'), i. 245, and *Ibid.* ii. 463 *n.*

[2] *Ibid.* i. 246, 250, 251. [3] *Ibid.* i. 252. [4] *Ibid.* x. 185.

[5] Bentham says (*Works*, i. 240) that he was a member of a club of which Johnson was the despot. The only club possible seems to be the Essex Street Club, of which Daines Barrington was a member. If so, it was in 1783, though Bentham seems to imply an earlier date.

which he gave in some question as to the evidence in Warren Hastings's trial made, he says, an impression in his favour. Before publication was achieved, however, a curious episode altered Bentham's whole outlook. His brother Samuel (1757-1831), whose education he had partly superintended,[1] had been apprenticed to a shipwright at Woolwich, and in 1780 had gone to Russia in search of employment. Three years later he was sent by Prince Potemkin to superintend a great industrial establishment at Kritchev on a tributary of the Dnieper. There he was to be 'Jack-of-all-trades—building ships, like Harlequin, of odds and ends—a rope-maker, a sail-maker, a distiller, brewer, malster, tanner, glass-man, glass-grinder, potter, hemp-spinner, smith, and copper-smith.'[2] He was, that is, to transplant a fragment of ready-made Western civilisation into Russia. Bentham resolved to pay a visit to his brother, to whom he was strongly attached. He left England in August 1785, and stayed some time at Constantinople, where he met Maria James (1770-1836), the wife successively of W. Reveley and of John Gisborne, and the friend of Shelley. Thence he travelled by land to Kritchev, and settled with his brother at the neighbouring estate of Zadobras. Bentham here passed a secluded life, interested in his brother's occupations and mechanical inventions, and at the same time keeping up his own intellectual labours. The most remarkable result was the *Defence of Usury*, written in the beginning of 1787. Bentham appends to it a respectful letter to Adam Smith, who had supported the laws against usury inconsistently with his own general principles. The

[1] *Works*, x. 77.

[2] *Ibid.* x. 147.

disciple was simply carrying out those principles to the logical application from which the master had shrunk. The manuscript was sent to Wilson, who wished to suppress it.[1] The elder Bentham obtained it, and sent it to the press. The book met Bentham as he was returning. It was highly praised by Thomas Reid,[2] and by the *Monthly Review*; it was translated into various languages, and became one of the sacred books of the Economists. Wilson is described as 'cold and cautious,' and he suppressed another pamphlet upon prison discipline.[3] In a letter to Bentham, dated 26th February 1787, however, Wilson disavows any responsibility for the delay in the publication of the great book. 'The cause,' he says, 'lies in your constitution. With one-tenth part of your genius, and a common degree of steadiness, both Sam and you would long since have risen to great eminence. But your history, since I have known you, has been to be always running from a good scheme to a better. In the meantime life passes away and nothing is completed.' He entreated Bentham to return, and his entreaties were seconded by Trail, who pointed out various schemes of reform, especially of the poor-laws, in which Bentham might be useful. Wilson had mentioned already another inducement to publication. 'There is,' he says, on 24th September 1786, 'a Mr. Paley, a parson and archdeacon of Carlisle, who has written a book called *Principles of Moral and Political Philosophy*, in quarto, and it has gone through two editions with prodigious applause.' He fears that Bentham will be charged with stealing from Paley, and exhorts him to come home and 'establish a great literary

[1] *Works*, x. 176. [2] Reid's *Works* (Hamilton), p. 73. [3] *Works*, x. 171.

reputation in your own language, and in this country which you despise.'[1] Bentham at last started homewards. He travelled through Poland, Germany, and Holland, and reached London at the beginning of February 1788. He settled at a little farmhouse at Hendon, bought a 'superb harpsichord,' resumed his occupations, and saw a small circle of friends. Wilson urged him to publish his *Introduction* without waiting to complete the vast scheme to which it was to be a prologue. Copies of the printed book were already abroad, and there was a danger of plagiarism. Thus urged, Bentham at last yielded, and the *Introduction to the Principles of Morals and Legislation* appeared in 1789. The preface apologised for imperfections due to the plan of his work. The book, he explained, laid down the principles of all his future labours, and was to stand to him in the relation of a treatise upon pure mathematics to a treatise upon the applied sciences. He indicated ten separate departments of legislation, each of which would require a treatise in order to the complete execution of his scheme.

The book gives the essence of Bentham's theories, and is the one large treatise published by himself. The other works were only brought to birth by the help of disciples. Dumont, in the discourse prefixed to the *Traités*, explains the reason. Bentham, he says, would suspend a whole work and begin a new one because a single proposition struck him as doubtful. A problem of finance would send him to a study of Political Economy in general. A question of procedure would

[1] *Works*, x. 163-64. Cf. *Ibid.* x. 195, where Wilson is often 'tempted to think'—erroneously, of course—that Paley must have known something of Bentham's work. Paley's chief source was Abraham Tucker.

make him pause until he had investigated the whole subject of judicial organisation. While at work, he felt only the pleasure of composition. When his materials required form and finish, he felt only the fatigue. Disgust succeeded to charm; and he could scarcely be induced to interrupt his labours upon fresh matter in order to give to his interpreter the explanations necessary for the elucidation of his previous writings. He was without the literary vanity or the desire for completion which may prompt to premature publication, but may at least prevent the absolute waste of what has been already achieved. His method of writing was characteristic. He began by forming a complete logical scheme for the treatment of any subject, dividing and subdividing so as to secure an exhaustive classification of the whole matter of discussion. Then taking up any subdivision, he wrote his remarks upon sheets, which were put aside after being marked with references indicating their place in the final treatise. He never turned to these again. In time he would exhaust the whole subject, and it would then be the duty of his disciples simply to put together the bricks according to the indications placed upon each in order to construct the whole edifice.[1] As, however, the plan would frequently undergo a change, and as each fragment had been written without reference to the others, the task of ultimate combination and adaptation of the ultimate atoms was often very perplexing. Bentham, as we shall see, formed disciples ardent enough to put together these scattered documents as the disciples of Mahomet put together the Koran. Bentham's revelation was possibly less influential than

[1] See J. H. Burton in *Works*, i. 11.

Mahomet's; but the logical framework was far more coherent.

Bentham's mind was for the present distracted. He had naturally returned full of information about Russia. The English ministry were involved in various negotiations with Russia, Sweden, and Denmark, the purpose of which was to thwart the designs of Russia in the East. Bentham wrote three letters to the *Public Advertiser*, signed Anti-Machiavel,[1] protesting against the warlike policy. Bentham himself believed that the effect was decisive, and that the 'war was given up' in consequence of his arguments. Historians[2] scarcely sanction this belief, which is only worth notice because it led to another belief, oddly characteristic of Bentham. A letter signed 'Partizan' in the *Public Advertiser* replied to his first two letters. Who was 'Partizan'? Lord Lansdowne amused himself by informing Bentham that he was no less a personage than George III. Bentham, with even more than his usual simplicity, accepted this hoax as a serious statement. He derived no little comfort from the thought; for to the antipathy thus engendered in the 'Best of kings' he attributed the subsequent failure of his Panopticon scheme.[3]

III. THE PANOPTICON.

The crash of the French revolution was now to change the whole course of European politics, and to bring

[1] Given in *Works*, x. 201-12.

[2] See Lecky's *Eighteenth Century*, x. 210-97, for an account of these transactions.

[3] Bowring tells this gravely, and declares that George III. also wrote letters to the *Gazette de Leyde*. George III. certainly contributed some letters to Arthur Young's *Annals of Agriculture*, and is one of the suggested authors of Junius.

philosophical jurists face to face with a long series of profoundly important problems. Bentham's attitude during the early stages of the revolution and the first war period is significant, and may help to elucidate some characteristics of the Utilitarian movement. Revolutions are the work of passion : the product of a social and political condition in which the masses are permeated with discontent, because the social organs have ceased to discharge their functions. They are not ascribable to the purely intellectual movement alone, though it is no doubt an essential factor. The revolution came in any case because the social order was out of joint, not simply because Voltaire or Rousseau or Diderot had preached destructive doctrines. The doctrines of the 'rights of man' are obvious enough to have presented themselves to many minds at many periods. The doctrines became destructive because the old traditions were shaken, and the traditions were shaken because the state of things to which they corresponded had become intolerable. The French revolution meant (among other things) that in the mind of the French peasant there had accumulated a vast deposit of bitter enmity against the noble who had become a mere parasite upon the labouring population, retaining, as Arthur Young said, privileges for himself, and leaving poverty to the lower classes. The peasant had not read Rousseau ; he had read nothing. But when his discontent began to affect the educated classes, men who had read Rousseau found in his works the dialect most fitted to express the growing indignation. Rousseau's genius had devised the appropriate formula ; for Rousseau's sensibility had made him prescient of the rising storm.

What might be a mere commonplace for speculative students suddenly became the warcry in a social upheaval. In England, as I have tried to show, there was no such popular sentiment behind the political theories: and reformers were content with measures which required no appeal to absolute rights and general principles. Bentham was no Rousseau; and the last of men to raise a warcry. Passion and sentimentalism were to him a nuisance. His theories were neither suggested nor modified by the revolution. He looked on with curious calmness, as though the revolutionary disturbances were rather a transitory interruption to the progress of reform than indicative of a general convulsion. His own position was isolated. He had no strong reforming party behind him. The Whigs, his main friends, were powerless, discredited, and themselves really afraid to support any vigorous policy. They had in the main to content themselves with criticising the warlike policy which, for the time, represented the main current of national sentiment. Bentham shared many of their sympathies. He hated the abstract 'rights of man' theory as heartily as Burke. It was to him a 'hodge-podge' of fallacies. On the other hand, he was absolutely indifferent to the apotheosis of the British Constitution constructed by Burke's imagination. He cared nothing for history in general, or regarded it, from a Voltairean point of view, as a record of the follies and crimes of mankind. He wished to deal with political, and especially with legal, questions in a scientific spirit—but 'scientific' would mean not pure mathematics but pure empiricism. He was quite as far from Paine's abstract methods as from Burke's romantic methods.

Both of them, according to him, were sophists: though one might prefer logical and the other sentimental sophistries. Dumont, when he published (1802) his versions of Bentham, insisted upon this point. Nothing, he says, was more opposed to the trenchant dogmatism of the abstract theorists about 'rights of man' and 'equality' than Bentham's thoroughly scientific procedure (*Discours Préliminaire*). Bentham's intellectual position in this respect will require further consideration hereafter. All his prejudices and sympathies were those of the middle class from which he sprang. He was no democrat: he had no particular objection to the nobility, though he preferred Shelburne to the king's friends or to the Whig aristocracy. The reforms which he advocated were such as might be adopted by any enlightened legislator, not only by Shelburne but even by Blackstone. He had only, he thought, to convert a few members of parliament to gain the acceptance for a rational criminal code. It had hardly even occurred to him that there was anything wrong in the general political order, though he was beginning to find out that it was not so modifiable as he could have wished by the new ideas which he propounded.

Bentham's activity during the first revolutionary war corresponded to this position. The revolution, whatever else it might do, obviously gave a chance to amateur legislators. There was any amount of work to be done in the way of codifying and reforming legislative systems. The deviser of Utopias had such an opening as had never occurred in the world's history. Lord Lansdowne, on the 3rd January 1789, expresses his pleasure at hearing that Bentham intends to 'take up the

cause of the people in France.'[1] Bentham, as we have seen, was already known to some of the French leaders, and he was now taking time by the forelock. He sent to the Abbé Morellet a part of his treatise on Political Tactics, hoping to have it finished by the time of the meeting of the States General.[2] This treatise, civilly accepted by Morellet, and approved with some qualifications by Bentham's counsellors, Romilly, Wilson, and Trail, was an elaborate account of the organisation and procedure of a legislative assembly, founded chiefly on the practice of the House of Commons. It was published in 1816 by Dumont in company with *Anarchic Fallacies*, a vigorous exposure of the *Declaration of Rights*, which Bentham had judiciously kept on his shelf. Had the French known of it, he remarks afterwards, they would have been little disposed to welcome him.[3] An elaborate scheme for the organisation of the French judiciary was suggested by a report to the National Assembly, and published in March 1790. In 1791, Bentham offered to go to France himself in order to establish a prison on his new scheme (to be mentioned directly), and become 'gratuitously the gaoler thereof.'[4] The Assembly acknowledged his 'ardent love of humanity,' and ordered an extract from his scheme to be printed for their instruction. The tactics actually adopted by the French revolutionists for managing assemblies and their methods of executing justice form a queer commentary on the philosopher who, like Voltaire's Mamres in the *White Bull*, continued to 'meditate profoundly' in placid disregard of facts. He was in fact proposing that the lava boiling up in a volcanic

[1] *Works*, x. 195. [2] *Ibid.* x. 198-99. [3] *Ibid.* x. 317. [4] *Ibid.* x. 270.

eruption should arrange itself entirely according to his architectural designs. But his proposal to become a gaoler during the revolution reaches the pathetic by its amiable innocence. On 26th August 1792, Bentham was one of the men upon whom the expiring Assembly, anxious to show its desire of universal fraternity, conferred the title of citizen. With Bentham were joined Priestley, Paine, Wilberforce, Clarkson, Washington, and others. The September massacres followed. On 18th October the honour was communicated to Bentham. He replied in a polite letter, pointing out that he was a royalist in London for the same reason which would make him a republican in France. He ended by a calm argument against the proscription of refugees.[1] The Convention, if it read the letter, and had any sense of humour, must have been amused. The war and the Reign of Terror followed. Bentham turned the occasion to account by writing a pamphlet (not then published) exhorting the French to 'emancipate their colonies.' Colonies were an aimless burthen, and to get rid of them would do more than conquest to relieve their finances. British fleets and the insurrection of St. Domingo were emancipating by very different methods.

Bentham was, of course, disgusted by the divergence of his clients from the lines chalked out by proper respect for law and order. On 31st October 1793 he writes to a friend, expressing his wish that Jacobinism could be extirpated; no price could be too heavy to pay for such a result: but he doubts whether war or peace would be the best means to the end, and protests against the policy of appropriating useless and expensive colonies

[1] *Works*, x. 282.

instead of 'driving at the heart of the monster.'[1] Never was an adviser more at cross-purposes with the advised. It would be impossible to draw a more striking portrait of the abstract reasoner, whose calculations as to human motives omit all reference to passion, and who fancied that all prejudice can be dispelled by a few bits of logic.

Meanwhile a variety of suggestions more or less important and connected with passing events were seething in his fertile brain. He wrote one of his most stinging pamphlets, '*Truth versus Ashhurst*' in December 1792, directed against a judge who, in the panic suggested by the September massacres, had eulogised the English laws. Bentham's aversion to Jacobin measures by no means softened his antipathy to English superstitions; and his attack was so sharp that Romilly advised and obtained its suppression for the time. Projects as to war-taxes suggested a couple of interesting pamphlets written in 1793, and published in 1795. In connection with this, schemes suggested themselves to him for improved systems of patents, for limited liability companies and other plans.[2] His great work still occupied him at intervals. In 1793 he offers to Dundas to employ himself in drafting Statutes, and remarks incidentally that he could legislate for Hindostan, should legislation be wanted there, as easily as for his own parish.[3] In 1794, Dumont is begging him to 'conquer his repugnance' to bestowing a few hints upon his interpreter.[4] In 1796, Bentham writes long letters suggesting that he should be sent to France with Wilberforce, in order to re-establish friendly

[1] *Works*, x. 296. [2] *Ibid.* x. 304. [3] *Ibid.* x. 292. [4] *Ibid.* x. 300.

relations.[1] In 1798 he is corresponding at great length with Patrick Colquhoun upon plans for improving the Metropolitan police.[2] In 1801 he says[3] that for two years and a half 'he has thought of scarce anything else' than a plan for interest-bearing notes, which he carefully elaborated and discussed with Nicholas Vansittart and Dr. Beeke. In September 1800, however, he had found time to occupy himself with a proposed *frigidarium* or ice-house for the preservation of fish, fruits, and vegetables; and invited Dr. Roget, a nephew of Romilly, to come to his house and carry out the necessary experiments.[4] In January 1802 he writes to Dumont[5] proposing to send him a trifling specimen of the Panopticon, a set of hollow fire-irons invented by his brother, which may attract the attention of Buonaparte and Talleyrand. He proceeds to expound the merits of Samuel's invention for making wheels by machinery. Dumont replies, that fire-irons are 'superfluities'—(fire-arms might have been more to Buonaparte's taste)—and that the Panopticon itself was coldly received.

This Panopticon was to be Bentham's masterpiece. It occupied his chief attention from his return to England until the peace of Amiens. His brother had returned from Russia in 1791. Their father died 28th March 1792, dividing his property equally between his sons. Jeremy's share consisted of the estate at Queen's Square Place, Westminster, and of landed property producing £500 or £600 a year. The father, spite of the distance between them, had treated his son with substantial kindness, and had learned to take a pride in

[1] *Works*, x. 315. [2] *Ibid.* x. 329. [3] *Ibid.* x. 366.
[4] *Ibid.* x. 346. [5] *Ibid.* x. 381.

achievements very unlike those which he had at first desired.[1] Bentham's position, however, was improved by the father's death. The Westminster estate included the house in which he lived for the rest of his life. There was a garden in which he took great delight, though London smoke gradually destroyed the plants: and in the garden was the small house where Milton had once lived.[2] Here, with the co-operation of his brother and his increased income, he had all the means necessary for launching his grand scheme.

The Panopticon, as defined by its inventor to Brissot, was a 'mill for grinding rogues honest, and idle men industrious.'[3] It was suggested by a plan designed by his brother in Russia for a large house to be occupied by workmen, and to be so arranged that they could be under constant inspection. Bentham was working on the old lines of philanthropic reform. He had long been interested in the schemes of prison reform, to which Howard's labours had given the impetus. Blackstone, with the help of William Eden, afterwards Lord Auckland, had prepared the 'Hard Labour Bill,' which Bentham had carefully criticised in 1778. The measure was passed in 1779, and provided for the management of convicts, who were becoming troublesome, as transportation to America had ceased to be possible. Howard, whose relation to Bentham I have already noticed, was appointed as one of the commissioners to carry out the provisions of the Act. The commissioners disagreed; Howard resigned; and though at last an architect (William Blackburn) was appointed who possessed

[1] See his letter to Lansdowne, sending a portrait to Jeremy.—*Works*, x. 224.

[2] *Works*, xi. 81.

[3] *Ibid.* x. 226.

Howard's confidence, and who constructed various prisons in the country, the scheme was allowed to drop. Bentham now hoped to solve the problem with his Panopticon. He printed an account of it in 1791. He wrote to his old antagonist, George III., describing it, together with another invention of Samuel's for enabling armies to cross rivers, which might be more to his Majesty's taste.[1] In March 1792 he made a proposal to the government offering to undertake the charge of a thousand convicts upon the Panopticon system.[2] After delays suspicious in the eyes of Bentham, but hardly surprising at such a period, an act of parliament was obtained in 1794 to adopt his schemes. Bentham had already been making preparations. He says[3] (14th September 1794) that he has already spent £6000, and is spending at the rate of £2000 a year, while his income was under £600 a year. He obtained, however, £2000 from the government. He had made models and architectural plans, in which he was helped by Reveley, already known to him at Constantinople. This sum, it appears, was required in order to keep together the men whom he employed. The nature of their employment is remarkable.[4] Samuel, a man of singular mechanical skill, which was of great use to the navy during the war, had devised machinery for work in wood and metal. Bentham had joined his brother, and they were looking out for a steam-engine. It had now occurred to them to

[1] *Works*, x. 260. It is doubtful whether the letter was sent.

[2] The Panopticon story is confusedly told in Bowring's life. The *Panopticon Correspondence*, in the eleventh volume, gives fragments from a 'history of the war between Jeremy Bentham and George III.,' written by Bentham in 1830-31, and selections from a voluminous correspondence.

[3] *Works*, x. 301. [4] *Ibid.* xi. 167.

employ convicts instead of steam, and thus to combine philanthropy with business. Difficulties of the usual kind arose as to the procurement of a suitable site. The site secured under the provisions of the 'Hard Labour Bill' was for some reason rejected; and Bentham was almost in despair. It was not until 1799 that he at last acquired for £12,000 an estate at Millbank, which seemed to be suitable. Meanwhile Bentham had found another application for his principle. The growth of pauperism was alarming statesmen. Whitbread proposed in February 1796 to fix a minimum rate of wages. The wisest thing that government could do, he said, was to 'offer a liberal premium for the encouragement of large families.' Pitt proceeded to prepare the abortive Poor-law Bill,[1] upon which Bentham (in February 1797) sent in some very shrewd criticisms. They were not published, but are said to have 'powerfully contributed to the abandonment of the measure.'[2] They show Bentham's power of incisive criticism, though they scarcely deal with the general principle. In the following autumn Bentham contributed to Arthur Young's *Annals of Agriculture* upon the same topic. It had struck him that an application of his Panopticon would give the required panacea. He worked out details with his usual zeal, and the scheme attracted notice among the philanthropists of the time. It was to be a 'succedaneum' to Pitt's proposal. Meanwhile the finance committee, appointed in 1797, heard evidence from Bentham's friend, Patrick Colquhoun, upon the Panopticon, and a report recom-

[1] The plan, according to Bentham (*Works*, xi. 102), was suggested by Ruggles, author of the work upon the poor-laws, first printed in Young's *Annals*.

[2] *Works*, viii. 440.

mending it was proposed by R. Pole Carew, a friend of Samuel Bentham. Although this report was suppressed, the scheme apparently received an impetus. The Millbank estate was bought in consequence of these proceedings, and a sum of only £1000 was wanted to buy out the tenant of one piece of land. Bentham was constantly in attendance at a public office, expecting a final warrant for the money. It never came, and, as Bentham believed, the delay was due to the malice of George III. Had any other king been on the throne, Panopticon in both 'the prisoner branch and the pauper branch' would have been set at work.[1] Such are the consequences of newspaper controversies with monarchs! After this, in any case, the poor Panopticon, as the old lawyers said, 'languishing did live,' and at last 'languishing did die.' Poor Bentham seems to have struggled vainly for a time. He appealed to Pitt's friend, Wilberforce; he appealed to his step-brother Abbot; he wrote to members of parliament, but all was in vain.

Romilly induced him in 1802 to suppress a statement of his grievances which could only have rendered ministers implacable.[2] But he found out what would hardly have been a discovery to most people, that officials can be dilatory and evasive; and certain discoveries about the treatment of convicts in New South Wales convinced him that they could even defy the laws and the Constitution when they were beyond inspection. He published (1803) a *Plea for the Constitution*, showing the enormities committed in the colony, 'in breach of Magna Charta, the Petition of Right, the Habeas Corpus Act, and the Bill of Rights.' Romilly in vain told him that the

[1] *Works*, xi. 102-3.

[2] *Ibid.* x. 400.

attorney-general could not recommend the author of such an effusion to be keeper of a Panopticon.[1] The actual end did not come till 1811. A committee then reported against the scheme. They noticed one essential and very characteristic weakness. The whole system turned upon the profit to be made from the criminals' labour by Bentham and his brother. The committee observed that, however unimpeachable might be the characters of the founders, the scheme might lead to abuses in the hands of their successors. The adoption of this principle of 'farming' had in fact led to gross abuses both in gaols and in workhouses; but it was, as I have said, in harmony with the whole 'individualist' theory. The committee recommended a different plan; and the result was the foundation of Millbank penitentiary, opened in 1816.[2] Bentham ultimately received £23,000 by way of compensation in 1813.[3] The objections of the committee would now be a commonplace, but Bentham saw in them another proof of the desire to increase government patronage. He was well out of the plan. There were probably few men in England less capable of managing a thousand convicts, in spite of his theories about 'springs of action.' If anything else had been required to ensure failure, it would have been association with a sanguine inventor of brilliant abilities.

Bentham's agitation had not been altogether fruitless. His plan had been partly adopted at Edinburgh by one of the Adams,[4] and his work formed an important stage in the development of the penal system.

[1] *Works*, xi. 144.
[2] For its later history see *Memorials of Millbank*, by Arthur Griffiths. 2 vols., 1875.
[3] *Works*, xi. 106.
[4] *Ibid.* x. 294.

Bentham, though he could not see that his failure was a blessing in disguise, had learned one lesson worth learning. He was ill-treated, according to impartial observers. 'Never,' says Wilberforce,[1] 'was any one worse used. I have seen the tears run down the cheeks of that strong-minded man through vexation at the pressing importunity of his creditors, and the indolence of official underlings when day after day he was begging at the Treasury for what was indeed a mere matter of right.' Wilberforce adds that Bentham was 'quite soured,' and attributes his later opinions to this cause. When the *Quarterly Review* long afterwards taunted him as a disappointed man, Bentham declared himself to be in 'a state of perpetual and unruffled gaiety,' and the 'mainspring' of the gaiety of his own circle.[2] No one, indeed, could be less 'soured' so far as his habitual temper was concerned. But Wilberforce's remark contained a serious truth. Bentham had made a discovery. He had vowed war in his youth against the 'demon of chicane.' He had now learned that the name of the demon was 'Legion.' To cast him out, it would be necessary to cast out the demon of officialism; and we shall see what this bit of knowledge presently implied.

IV. THE UTILITARIAN PROPAGANDA.

Bentham in 1802 had reached the respectable age of fifty-four. He had published his first work twenty-six years, and his most elaborate treatise thirteen years, previously. He had been brought into contact with many of the eminent politicians and philanthropists of the day. Lansdowne had been a friendly patron: his

[1] Wilberforce's *Life*, ii. 71.

[2] *Works*, x. 541.

advice had been treated with respect by Pitt, Dundas, and even by Blackstone ; he was on friendly terms with Colquhoun, Sir F. Eden, Arthur Young, Wilberforce, and others interested in philanthropic movements, and his name at least was known to some French politicians. But his reputation was still obscure ; and his connections did not develop into intimacies. He lived as a recluse and avoided society. His introduction to great people at Bowood had apparently rather increased than softened his shyness. The little circle of intimates, Romilly and Wilson and his own brother, must have satisfied his needs for social intercourse. It required an elaborate negotiation to bring about a meeting between him and Dr. Parr, the great Whig prophet, although they had been previously acquainted, and Parr was, as Romilly said by way of introduction, a profound admirer and universal panegyrist.[1] He refused to be introduced by Parr to Fox, because he had 'nothing particular to say' to the statesman, and considered that to be 'always a sufficient reason for declining acquaintance.'[2]

But, at last, Bentham's fame was to take a start. Bentham, I said, had long before found himself. Dumont had now found Bentham. After long and tedious labours and multiplied communications between the master and the disciple, Dumont in the spring of 1802 brought out his *Traités de Législation de M. Jérémie Bentham*. The book was partly a translation from Bentham's published and unpublished works,[3] and partly a statement of the pith of the new doctrine in Dumont's own language. It had the great merit of

[1] *Works*, x. 403. [2] *Ibid.* x. 62.

[3] Bentham had himself written some of his papers in French.

putting Bentham's meaning vigorously and compactly, and free from many of the digressions, minute discussions of minor points and arguments requiring a special knowledge of English law, which had impeded the popularity of Bentham's previous works.

The Jacobin controversies were passing into the background: and Bentham began to attain a hearing as a reformer upon different lines. In 1803 Dumont visited St. Petersburg, and sent home glowing reports of Bentham's rising fame. As many copies of the *Traités* had been sold there as in London. Codes were wanted; laws were being digested; and Bentham's work would supply the principles and the classification. A magnificent translation was ordered, and Russian officials wrote glowing letters in which Bentham was placed in a line with Bacon, Newton, and Adam Smith—each the founder of a new science.[1] At home the new book was one of the objects of what Dumont calls the 'scandalous irreverence' of the *Edinburgh Review*.[2] This refers to a review of the *Traités* in the *Edinburgh Review* of April 1804. Although patronising in tone, and ridiculing some of Bentham's doctrines as commonplace and condemning others as criminal, it paid some high compliments to his ability. The irreverence meant at least that Bentham had become one of the persons worth talking about, and that he was henceforth to influence the rising generation. In January 1807 the *Edinburgh* itself (probably Jeffrey) suggested that Bentham should be employed in a proposed reform of the Scottish judicial system. His old friend, Lansdowne, died on 7th May 1805, and in one of his last letters expresses a hope that Bentham's principles

[1] *Works*, x. 407, 410, 413, 419.

[2] *Ibid.* x. 415.

are at last beginning to spread.[1] The hope was fulfilled.

During the eighteenth century Benthamism had gone through its period of incubation. It was now to become an active agency, to gather proselytes, and to have a marked influence not only upon legislative but upon political movements. The immediate effect upon Bentham of the decline of the Panopticon, and his consequent emancipation from immediately practical work, was apparently his return to his more legitimate employment of speculative labour. He sent to Dumont at St. Petersburg[2] part of the treatise upon Political Economy, which had been naturally suggested by his later work: and he applied himself to the Scottish judiciary question, to which many of his speculations had a close application. He published a work upon this subject in 1808. To the period between 1802 and 1812 belongs also the book, or rather the collection of papers, afterwards transformed into the book, upon Evidence, which is one of his most valuable performances.

A letter, dated 1st November 1810, gives a characteristic account of his position. He refers to hopes of the acceptance of some of his principles in South America. In Spain Spaniards are prepared to receive his laws 'as oracles.' 'Now at length, when I am just ready to drop into the grave' (he had still twenty years of energetic work before him), 'my fame has spread itself all over the civilised world.' Dumont's publication of 1802 is considered to have superseded all previous writings on legislation. In Germany and France codes have been prepared by authorised lawyers, who have 'sought

[1] Lord E. Fitzmaurice's *Life of Shelburne*. [2] *Works*, x. 413.

to do themselves credit by references to that work.'[1] It has been translated into Russian. Even in England he is often mentioned in books and in parliament. 'Meantime I am here scribbling on in my hermitage, never seeing anybody but for some special reason, always bearing relation to the service of mankind.'[2] Making all due allowance for the deceptive views of the outer world which haunt every 'hermitage,' it remains true that Bentham's fame was emerging from obscurity.

The end of this period, moreover, was bringing him into closer contact with English political life. Bentham, as we have seen, rejected the whole Jacobin doctrine of abstract rights. So long as English politics meant either the acceptance of a theory which, for whatever reason, gathered round it no solid body of support, or, on the other hand, the acceptance of an obstructive and purely conservative principle, to which all reform was radically opposed, Bentham was necessarily in an isolated position. He had 'nothing particular to say' to Fox. He was neither a Tory nor a Jacobin, and cared little for the paralysed Whigs. He allied himself therefore, so far as he was allied with any one, with the philanthropic agitators who stood, like him, outside the lines of party. The improvement of prisons was not a party question. A marked change—not always, I think, sufficiently emphasised by historians—had followed the second war. The party-divisions began to take the form which was to become more marked as time went on. The old issues between Jacobin and Anti-Jacobin no longer existed. Napoleon had become the heir of the revolution. The

[1] This statement, I believe, refers to a complimentary reference to Bentham in the preface to the French Code.

[2] *Works*, x. 458.

great struggle was beginning in which England commanded the ocean, while the Continent was at the feet of the empire. For a time the question was whether England, too, should be invaded. After Trafalgar invasion became hopeless. The Napoleonic victories threatened to exclude English trade from the Continent: while England retorted by declaring that the Continent should trade with nobody else. Upon one side the war was now appealing to higher feelings. It was no longer a crusade against theories, but a struggle for national existence and for the existence of other nations threatened by a gigantic despotism. Men like Wordsworth and Coleridge, who could not be Anti-Jacobins, had been first shocked by the Jacobin treatment of Switzerland, and now threw themselves enthusiastically into the cause which meant the rescue of Spain and Germany from foreign oppression. The generous feeling which had resented the attempt to forbid Frenchmen to break their own bonds, now resented the attempts of Frenchmen to impose bonds upon others. The patriotism which prompted to a crusade had seemed unworthy, but the patriotism which was now allied with the patriotism of Spain and Germany involved no sacrifice of other sentiment. Many men had sympathised with the early revolution, not so much from any strong sentiment of evils at home as from a belief that the French movement was but a fuller development of the very principles which were partially embodied in the British Constitution. They had no longer to choose between sympathising with the enemies of England and sympathising with the suppressors of the old English liberties.

But, on the other hand, an opposite change took

place. The disappearance of the Jacobin movement allowed the Radicalism of home growth to display itself more fully. English Whigs of all shades had opposed the war with certain misgivings. They had been nervously anxious not to identify themselves with the sentiments of the Jacobins. They desired peace with the French, but had to protest that it was not for love of French principles. That difficulty was removed. There was no longer a vision—such as Gillray had embodied in his caricatures—of a guillotine in St. James's Street: or of a Committee of Public Safety formed by Fox, Paine, and Horne Tooke. Meanwhile Whig prophecies of the failure of the war were not disproved by its results. Though the English navy had been victorious, English interference on the Continent had been futile. Millions of money had been wasted: and millions were flowing freely. Even now we stand astonished at the reckless profusion of the financiers of the time. And what was there to show for it? The French empire, so far from being destroyed, had been consolidated. If we escaped for the time, could we permanently resist the whole power of Europe? When the Peninsular War began we had been fighting, except for the short truce of Amiens, for sixteen years; and there seemed no reason to believe that the expedition to Portugal in 1808 would succeed better than previous efforts. The Walcheren expedition of 1809 was a fresh proof of our capacity for blundering. Pauperism was still increasing rapidly, and forebodings of a war with America beginning to trouble men interested in commerce. The English Opposition had ample texts for discourses; and a demand for change began to spring up which was no

longer a reflection of foreign sympathies. An article in the *Edinburgh* of January 1808, which professed to demonstrate the hopelessness of the Peninsular War, roused the wrath of the Tories. The *Quarterly Review* was started by Canning and Scott, and the *Edinburgh*, in return, took a more decidedly Whig colour. The Radicals now showed themselves behind the Whigs. Cobbett, who had been the most vigorous of John Bull Anti-Jacobins, was driven by his hatred of the tax-gatherer and the misery of the agricultural labourers into the opposite camp, and his *Register* became the most effective organ of Radicalism. Demands for reform began again to make themselves heard in parliament. Sir Francis Burdett, who had sat at the feet of Horne Tooke, and whose return with Cochrane for Westminster in 1807 was the first parliamentary triumph of the reformers, proposed a motion on 15th June 1809, which was, of course, rejected, but which was the first of a series, and marked the revival of a serious agitation not to cease till the triumph of 1832.

Meanwhile Bentham, meditating profoundly upon the Panopticon, had at last found out that he had begun at the wrong end. His reasoning had been thrown away upon the huge dead weight of official indifference, or worse than indifference. Why did they not accept the means for producing the greatest happiness of the greatest number? Because statesmen did not desire the end. And why not? To answer that question, and to show how a government could be constructed which should desire it, became a main occupation of Bentham's life. Henceforward, therefore, instead of merely treating of penal codes and other special reforms, his attention is

directed to the previous question of political organisation; while at times he diverges to illustrate incidentally the abuses of what he ironically calls the 'matchless constitution.' Bentham's principal occupation, in a word, was to provide political philosophy for radical reformers.[1]

Bentham remained as much a recluse as ever. He seldom left Queen's Square Place except for certain summer outings. In 1807 he took a house at Barrow Green, near Oxted, in Surrey, lying in a picturesque hollow at the foot of the chalk hills.[2] It was an old-fashioned house, standing in what had been a park, with a lake and a comfortable kitchen garden. Bentham pottered about in the grounds and under the old chestnut-trees, codifying, gardening, and talking to occasional disciples. He returned thither in following years; but in 1814, probably in consequence of his compensation for the Panopticon, took a larger place, Ford Abbey, near Chard in Somersetshire. It was a superb residence,[3] with chapel, cloisters, and corridors, a hall eighty feet long by thirty high, and a great dining parlour. Parts of the building dated from the twelfth century or the time of the Commonwealth, or had undergone alterations attributed to Inigo Jones. No Squire Western could have cared less for antiquarian associations, but Bentham made a very fair monk. The place, for which he paid £315 a year, was congenial. He rode his favourite hobby of gardening, and took his regular 'ante-jentacular' and 'post-prandial' walks, and

[1] Bentham says that he reached these conclusions some time before 1809: *Works*, iii. 435. Cf. *Ibid.* v. 278.

[2] *Works*, x. 425.

[3] See description in Bain's *James Mill*, 129-36.

played battledore and shuttlecock in the intervals of codification. He liked it so well that he would have taken it for life, but for the loss of £8000 or £10,000 in a Devonshire marble-quarry.[1] In 1818 he gave it up, and thenceforward rarely quitted Queen's Square Place. His life was varied by few incidents, although his influence upon public affairs was for the first time becoming important. The busier journalists and platform orators did not trouble themselves much about philosophy. But they were in communication with men of a higher stamp, Romilly, James Mill, and others, who formed Bentham's innermost council. Thus the movements in the outside world set up an agitation in Bentham's study; and the recluse was prompted to set himself to work upon elaborating his own theories in various directions, in order to supply the necessary substratum of philosophical doctrine. If he had not the power of gaining the public ear, his oracles were transmitted through the disciples who also converted some of his raw materials into coherent books.

The most important of Bentham's disciples for many years was James Mill, and I shall have to say what more is necessary in regard to the active agitation when I speak of Mill himself. For the present, it is enough to say that Mill first became Bentham's proselyte about 1808. Mill stayed with Bentham at Barrow Green and at Ford Abbey. Though some differences caused superficial disturbances of their harmony, no prophet could have had a more zealous, uncompromising, and vigorous disciple. Mill's force of character qualified him to become the leader of the school; but his doctrine was

[1] *Works*, x. 479, 573.

always essentially the doctrine of Bentham, and for the present he was content to be the transmitter of his master's message to mankind. He was at this period a contributor to the *Edinburgh Review*; and in October 1809 he inserted some praises of Bentham in a review of a book upon legislation by S. Scipion Bexon. The article was cruelly mangled by Jeffrey, according to his custom, and Jeffrey's most powerful vassal, Brougham, thought that the praises which remained were excessive.[1]

Obviously the orthodox Whigs were not prepared to swear allegiance to Bentham. He was drawing into closer connection with the Radicals. In 1809 Cobbett was denouncing the duke of York in consequence of the Mrs. Clarke scandal. Bentham wrote to him, but anonymously and cautiously, to obtain documents in regard to a previous libel case,[2] and proceeded to write a pamphlet on the *Elements of the Art of Packing (as applied to Special Juries)*, so sharp that his faithful adviser, Romilly, procured its suppression for the time.[3] Copies, however, were printed and privately given to a few who could be trusted. Bentham next wrote (1809) a 'Catechism of Parliamentary Reform,' which he communicated to Cobbett (16th November 1810), with a request for its publication in the *Register*.[4] Cobbett was at this time in prison for his attack upon flogging militia men; and, though still more hostile to government, was bound to be more cautious in his line of assault. The plan was not published, whether because too daring or too dull; but it was

[1] *Works*, x. 452-54; Bain's *James Mill*, 104.

[2] The case of the 'King *v.* Cobbett,' (1804), which led to the proceedings against Mr. Justice Johnson in 1805.—Cobbett's *State Trials*, xxix.

[3] *Works*, x. 448-49.

[4] *Ibid.* x. 458.

apparently printed. Bentham's opinion of Cobbett was anything but flattering. Cobbett, he thought in 1812, was a 'vile rascal,' and was afterwards pronounced to be 'filled with the *odium humani generis*—his malevolence and lying beyond everything.'[1] Cobbett's radicalism, in fact, was of the type most hostile to the Utilitarians. John Hunt, in the *Examiner*, was 'trumpeting' Bentham and Romilly in 1812, and was praised accordingly.[2] Bentham formed an alliance with another leading Radical. He had made acquaintance by 1811 with Sir F. Burdett, to whom he then appealed for help in an attack upon the delays of Chancery.[3] Burdett, indeed, appeared to him to be far inferior to Romilly and Brougham, but he thought that so powerful a 'hero of the mob' ought to be turned to account in the good cause.[4] Burdett seems to have courted the old philosopher; and a few years later a closer alliance was brought about. The peace of 1815 was succeeded by a period of distress, the more acutely felt from the disappointment of natural hopes of prosperity; and a period of agitation, met by harsh repression, followed. Applications were made to Bentham for permission to use his 'Catechism,' which was ultimately published (1818) in a cheap form by Wooler, well known as the editor of the democratic *Black Dwarf*.[5] Burdett applied for a plan of parliamentary reform. Henry Bickersteth (1783-1851), afterwards Lord Langdale and Master of the Rolls, at this time a rising barrister of high character, wrote an appeal to Bentham and Burdett to combine in setting forth a scheme which, with such authority, must command general acceptance.

[1] *Works*, x. 471, 570. [2] *Ibid.* x. 471. [3] *Ibid.* x. 461.
[4] *Ibid.* x. 471. [5] *Ibid.* x. 490.

The result was a series of resolutions moved by Burdett in the House of Commons on 2nd June 1818,[1] demanding universal suffrage, annual parliaments, and vote by ballot. Bentham had thus accepted the conclusions reached in a different way by the believers in that 'hodge-podge' of absurdities, the declaration of the rights of man. Curiously enough, his assault upon that document appeared in Dumont's French version in the year 1816, at the very time when he was accepting its practical conclusions.

The schemes in which Mill was interested at this time drew Bentham's attention in other directions. In 1813 the Quaker, William Allen, who had been a close ally of Mill, induced Bentham to invest money in the New Lanark establishment. Owen, whose benevolent schemes had been hampered by his partners, bought them out, the new capital being partly provided by Allen, Bentham, and others. Bentham afterwards spoke contemptuously of Owen, who, as he said, 'began in vapour and ended in smoke,'[2] and whose disciples came in after years into sharp conflict with the Utilitarians. Bentham, however, took pleasure, it seems, in Owen's benevolent schemes for infant education, and made money by his investment, for once combining business with philanthropy successfully.[3] Probably he regarded New Lanark as a kind of Panopticon. Owen had not as yet become a prophet of Socialism.

Another set of controversies in which Mill and his friends took an active part, started Bentham in a whole series of speculations. A plan (which I shall have to mention in connection with Mill), was devised in 1815

[1] Printed in *Works*, x. 495-97. [2] *Ibid.* x. 570. [3] *Ibid.* x. 476.

for a 'Chrestomathic school,' which was to give a sound education of proper Utilitarian tendencies to the upper and middle classes. Brougham, Mackintosh, Ricardo, William Allen, and Place were all interested in this undertaking.[1] Bentham offered a site at Queen's Square Place, and though the scheme never came to the birth, it set him actively at work. He wrote a series of papers during his first year at Ford Abbey[2] upon the theory of education, published in 1816 as *Chrestomathia*; and to this was apparently due a further excursion beyond the limits of jurisprudence. Educational controversy in that ignorant day was complicated by religious animosity; the National Society and the 'British and Foreign' Society were fighting under the banners of Bell and Lancaster, and the war roused excessive bitterness. Bentham finding the church in his way, had little difficulty in discovering that the whole ecclesiastical system was part of the general complex of abuse against which he was warring. He fell foul of the Catechism; he exposed the abuses of non-residence and episcopal wealth; he discovered that the Thirty-nine Articles contained gross fallacies; he went on to make an onslaught upon the Apostle St Paul, whose evidence as to his conversion was exposed to a severe cross-examination; and, finally, he wrote, or supplied the materials for, a remarkable *Analysis of Natural Religion*, which was ultimately published by Grote under the pseudonym 'Philip Beauchamp,' in 1822. This procedure from the particular case of the Catechism in schools up to the general problem of the

[1] *Works*, x. 485.

[2] Bain's *James Mill*, 136. *Church of Englandism* and *Not Paul but Jesus* were also written at Ford Abbey.

utility of religion in general, is curiously characteristic of Bentham.

Bentham's mind was attracted to various other schemes by the disciples who came to sit at his feet, and professed, with more or less sincerity, to regard him as a Solon. Foreigners had been resorting to him from all parts of the world, and gave him hopes of new fields for codifying. As early as 1808 he had been visited at Barrow Green by the strange adventurer, politician, lawyer, and filibuster, Aaron Burr, famous for the duel in which he killed Alexander Hamilton, and now framing wild schemes for an empire in Mexico. Unscrupulous, restlessly active and cynical, he was a singular contrast to the placid philosopher, upon whom his confidences seem to have made an impression of not unpleasing horror. Burr's conversation suggested to Bentham a singular scheme for emigrating to Mexico. He applied seriously for introductions to Lord Holland, who had passed some time in Spain, and to Holland's friend, Jovellanos (1749-1812), a member of the Spanish Junta, who had written treatises upon legislation (1785), of which Bentham approved.[1] The dream of Mexico was succeeded by a dream of Venezuela. General Miranda spent some years in England, and had become well known to James Mill. He was now about to start upon an unfortunate expedition to Venezuela, his native country. He took with him a draft of a law for the freedom of the press, which Bentham drew up, and he proposed that when his new state was founded, Bentham should be its legislator.[2] Miranda was betrayed to the Spanish government in 1812, and died (1816) in the hands of the Inquisition. Bolivar,

[1] *Works*, x. 433, 448. [2] *Ibid.* x. 457-58; Bain's *James Mill*, 79.

who was also in London in 1810 and took some notice of Joseph Lancaster, applied in flattering terms to Bentham. Long afterwards, when dictator of Columbia, he forbade the use of Bentham's works in the schools, to which, however, the privilege of reading him was restored, and, let us hope, duly valued, in 1835.[1] Santander, another South American hero, was also a disciple, and encouraged the study of Bentham. Bentham says in 1830 that forty thousand copies of Dumont's *Traités* had been sold in Paris for the South American trade.[2] What share Bentham may have had in modifying South American ideas is unknown to me. In the United States he had many disciples of a more creditable kind than Burr. He appealed in 1811 to Madison, then President, for permission to construct a 'Pannomion' or complete body of law, for the use of the United States; and urged his claims both upon Madison and the Governor of Pennsylvania in 1817, when peace had been restored. He had many conversations upon this project with John Quincy Adams, who was then American minister in England.[3] This, of course, came to nothing, but an eminent American disciple, Edward Livingston (1764-1836), between 1820 and 1830 prepared codes for the State of Louisiana, and warmly acknowledged his obligations to Bentham.[4] In 1830 Bentham also acknowledges a notice of his labours, probably resulting from this, which had been made in one of General Jackson's presidential messages.[5] In his later years the United States became his ideal, and he never tired of comparing its cheap and

[1] *Works*, 553-54, 565

[2] *Ibid.* xi. 53.

[3] See *Memoirs of J. Q. Adams* (1874), iii. 511, 520, 532, 535-39, 540, 544, 560, 562-63; and Bentham's letter to Adams in *Works*, x. 554.

[4] *Works*, xi. 23.

[5] *Ibid.* xi. 40.

honest enactment with the corruption and extravagance at home.

V. CODIFICATION.

The unsettled conditions which followed the peace in various European countries found Bentham other employment. In 1809 Dumont did some codifying for the Emperor of Russia, and in 1817 was engaged to do the same service for Geneva. He was employed for some years, and is said to have introduced a Benthamite Penal Code and Panopticon, and an application of the Tactics.[1] In 1820 and 1821 Bentham was consulted by the Constitutional party in Spain and Portugal, and wrote elaborate tracts for their enlightenment. He made an impression upon at least one Spaniard. Borrow, when travelling in Spain some ten years after Bentham's death, was welcomed by an Alcalde on Cape Finisterre, who had upon his shelves all the works of the 'grand Baintham,' and compared him to Solon, Plato, and even Lope de Vega.[2] The last comparison appeared to Borrow to be overstrained. Bentham even endeavoured in 1822-23 to administer some sound advice to the government of Tripoli, but his suggestions for 'remedies against misrule' seem never to have been communicated.[3] In 1823 and 1824 he was a member of the Greek Committee; he corresponded with Mavrocordato and other leaders; and he begged Parr to turn some of his admonitions into 'Parrian' Greek for the benefit of the moderns.[4] Blaquière and Stanhope, two ardent members of the

[1] See correspondence upon his codification plans in Russia, America, and Geneva in *Works*, iv. 451-594.

[2] Borrow's *Bible in Spain*, ch. xxx.

[3] *Works*, viii. 555-600.

[4] *Ibid.* x. 534. See Blaquière's enthusiastic letter to Bentham.—*Works*, x. 475.

committee, were disciples; and Stanhope carried with him to Greece Bentham's *Table of the Springs of Action*, with which he tried to indoctrinate Byron. The poet, however, thought with some plausibility that he was a better judge of human passions than the philosopher. Parry, the engineer, who joined Byron at the same time, gives a queer account of the old philosopher trotting about London in the service of the Greeks.[1] The coarse and thoughtless might laugh, and perhaps some neither coarse nor thoughtless might smile. But Bowring tells us that these were days of boundless happiness for Bentham.[2] Tributes of admiration were pouring in from all sides, and the true Gospel was spreading across the Atlantic and along the shores of the Mediterranean.

At home the Utilitarian party was consolidating itself; and the struggle which resulted in the Reform Bill was slowly beginning. The veteran Cartwright, Bentham's senior by eight years, tried in 1821 to persuade him to come out as one of a committee of 'Guardians of Constitutional Reform,' elected at a public meeting.[3] Bentham wisely refused to be drawn from his privacy. He left it to his friends to agitate, while he returned to labour in his study. The demand for legislation which had sprung up in so many parts of the world encouraged Bentham to undertake the last of his great labours. The Portuguese Cortes voted in December 1821 that he should be invited to prepare an 'all-comprehensive code'; and in 1822 he put out a curious 'Codification proposal,' offering to do the work for any nation in need of a legislator, and appending testimonials

[1] See, however, Bentham's reference to this story.—*Works*, xi. 66.
[2] *Works*, x. 539.
[3] *Ibid.* x. 522.

to his competence for the work. He set to work upon a 'Constitutional Code,' which occupied him at intervals during the remainder of his life, and embodied the final outcome of his speculations. He diverged from this main purpose to write various pamphlets upon topics of immediate interest; and was keenly interested in the various activities of his disciples. The Utilitarians now thought themselves entitled to enter the field of politics as a distinct body. An organ to defend their cause was desirable, and Bentham supplied the funds for the *Westminster Review*, of which the first number appeared in April 1824.

The editorship fell chiefly into the hands of Bowring (1792-1872). Bowring had travelled much upon the Continent for a commercial house, and his knowledge of Spanish politics had brought him into connection with Bentham, to whom Blaquière recommended him in 1820.[1] A strong attachment sprang up between the two. Bentham confided all his thoughts and feelings to the young man, and Bowring looked up to his teacher with affectionate reverence. In 1828 Bentham says 'that Bowring is 'the most intimate friend he has.'[2] Bowring complains of calumnies, by which he was assailed, though they failed to alienate Bentham. What they may have been matters little; but it is clear that a certain jealousy arose between this last disciple and his older rivals. James Mill's stern and rigid character had evidently produced some irritation at intervals; and to him it would naturally appear that Bowring was the object of a senile favouritism. In any case it is to be regretted that Bentham thus became partly alienated from his older

[1] *Works*, x. 516.

[2] *Ibid.* x. 591.

friends.[1] Mill was too proud to complain; and never wavered in his allegiance to the master's principles. But one result, and to us the most important, was that the new attachment led to the composition of one of the worst biographies in the language, out of materials which might have served for a masterpiece. Bowring was a great linguist, and an energetic man of business. He wrote hymns, and one of them, 'In the cross of Christ I glory,' is said to have 'universal fame.' A Benthamite capable of so singular an eccentricity judiciously agreed to avoid discussions upon religious topics with his master. To Bowring we also owe the *Deontology*, which professes to represent Bentham's dictation. The Mills repudiated this version, certainly a very poor one, of their teacher's morality, and held that it represented less Bentham than such an impression of Bentham as could be stamped upon a muddle-headed disciple.[2]

The last years of his life brought Bentham into closer connection with more remarkable men. The Radicals had despised the Whigs as trimmers and half-hearted reformers, and James Mill expressed this feeling very frankly in the first numbers of the *Westminster Review*. Reform, however, was now becoming respectable, and the Whigs were gaining the courage to take it up seriously. Foremost among the Edinburgh Reviewers was the great Henry Brougham, whose fame was at this time almost as great as his ambition could desire, and who considered himself to be the natural leader of all reform. He had shown eagerness to distinguish himself in lines fully

[1] A letter from Mill in the University College MSS. describes a misunderstanding about borrowed books, a fertile, but hardly adequate, cause of quarrel.

[2] Bowring's religious principles prevented him from admitting some of Bentham's works to the collective edition.

approved by Bentham. His admirers regarded him as a giant; and his opponents, if they saw in him a dash of the charlatan, could not deny his amazing energy and his capacity as an orator. The insatiable vanity which afterwards ruined his career already made it doubtful whether he fought for the cause or the glory. But he was at least an instrument worth having. He was a kind of half-disciple. If in 1809 he had checked Mill's praise of Bentham, he was soon afterwards in frequent communication with the master. In July 1812 Bentham announces that Brougham is at last to be admitted to a dinner, for which he had been 'intriguing any time this six months,' and expects that his proselyte will soon be the first man in the House of Commons, and eclipse even Romilly.[1] In later years they had frequent communications; and when in 1827 Brougham was known to be preparing an utterance upon law reform, Bentham's hopes rose high. He offered to his disciple 'some nice little sweet pap of my own making,' sound teaching that is, upon evidence, judicial establishments and codification. Brougham thanks his 'dear grandpapa,' and Bentham offers further supplies to his 'dear, sweet little poppet.'[2] But when the orator had spoken Bentham declares (9th February 1828) that the mountain has been delivered of a mouse. Brougham was 'not the man to set up' simple and rational principles. He was the sham adversary but the real accomplice of Peel, pulling up lies by the root to plant others equally noxious.[3] In 1830 Bentham had even to hold up 'Master Peel' as a 'model good boy' to the self-styled reformer. Brougham needs a dose of jalap instead of pap, for he cannot even spell the 'greatest

[1] *Works*, x. 471-72. [2] *Ibid.* x. 576. [3] *Ibid.* x. 588.

happiness principle' properly.[1] Bentham went so far as to write what he fondly took to be an epigram upon Brougham :

'So foolish and so wise, so great, so small,
Everything now, to-morrow nought at all.'[2]

In September 1831 Brougham as Chancellor announced a scheme for certain changes in the constitution of the courts. The proposal called forth Bentham's last pamphlet, *Lord Brougham displayed.*[3] Bentham laments that his disciple has 'stretched out the right hand of fellowship to jobbers of all sorts.'[4] In vain had Brougham in his speech called Bentham 'one of the great sages of the law.' Bentham acknowledges his amiability and his genius ; but laments over the untrustworthy character of a man who could only adopt principles so far as they were subservient to his own vanity.

Another light of the *Edinburgh Review*, who at this time took Brougham at his own valuation, did an incidental service to Bentham. Upon the publication of the *Book of Fallacies* in 1825, Sydney Smith reviewed or rather condensed it in the *Edinburgh Review*, and gave the pith of the whole in his famous *Noodle's Oration*. The noodle utters all the commonplaces by which the stupid conservatives, with Eldon at their head, met the demands of reformers. Nothing could be wittier than Smith's brilliant summary. Whigs and Radicals for the time agreed in ridiculing blind prejudice. The day was to come when the Whigs at least would see that some principles might be worse than prejudice. All the fools, said Lord Melbourne, 'were against Catholic

[1] *Works*, xi. 37. Papers preserved at University College show that during Peel's law reforms at this time Bentham frequently communicated with him.
[2] *Ibid.* xi. 50. [3] *Ibid.* v. 549. [4] *Ibid.* v. 609.

Emancipation, and the worst of it is, the fools were in the right.' Sydney Smith was glad to be Bentham's mouthpiece for the moment: though, when Benthamism was applied to church reform, Smith began to perceive that Noodle was not so silly as he seemed.

One other ally of Bentham deserves notice. O'Connell had in 1828, in speaking of legal abuses, called himself 'an humble disciple of the immortal Bentham.'[1] Bentham wrote to acknowledge the compliment. He invited O'Connell to become an inmate of his hermitage at Queen's Square Place, and O'Connell responded warmly to the letters of his 'revered master.' Bentham's aversion to Catholicism was as strong as his objection to Catholic disqualifications, and he took some trouble to smooth down the difficulties which threatened an alliance between ardent believers and thorough-going sceptics. O'Connell had attacked some who were politically upon his side. 'Dan, dear child,' says Bentham, 'whom in imagination I am at this moment pressing to my fond bosom, put off, if it be possible, your intolerance.'[2] Their friendship, however, did not suffer from this discord, and their correspondence is in the same tone till the end. In one of Bentham's letters he speaks of a contemporary correspondence with another great man, whom he does not appear to have met personally. He was writing long letters, entreating the duke of Wellington to eclipse Cromwell by successfully attacking the lawyers. The duke wrote 'immediate answers in his own hand,' and took good-humouredly a remonstrance from Bentham upon the duel with Lord Winchilsea in 1829.[3] Bentham was ready to the end to

[1] *Works*, x. 594. [2] *Ibid.* xi. 26. [3] *Ibid.* xi. 13, 28.

seek allies in any quarter. When Lord Sidmouth took office in 1812, Bentham had an interview with him, and had some hopes of being employed to prepare a penal code.[1] Although experience had convinced him of the futility of expectations from the Sidmouths and Eldons, he was always on the look out for sympathy; and the venerable old man was naturally treated with respect by people who had little enough of real interest in his doctrines.

During the last ten years of his life, Bentham was cheered by symptoms of the triumph of his creed. The approach of the millennium seemed to be indicated by the gathering of the various forces which carried Roman Catholic Emancipation and the Reform Bill. Bentham still received testimonies of his fame abroad. In 1825 he visited Paris to consult some physicians. He was received with the respect which the French can always pay to intellectual eminence.[2] All the lawyers in a court of justice rose to receive him, and he was placed at the president's right hand. On the revolution of 1830, he addressed some good advice to the country of which he had been made a citizen nearly forty years before. In 1832, Talleyrand, to whom he had talked about the Panopticon in 1792, dined with him alone in his hermitage.[3] When Bowring observed to the prince that Bentham's works had been plundered, the polite diplomatist replied, *et pillé de tout le monde, il est toujours riche.* Bentham was by this time failing. At eighty-two he was still, as he put it, 'codifying like any dragon.'[4] On 18th May 1832 he did his last bit of his life-long labour, upon the 'Constitutional Code.' The great

[1] *Works*, x. 468. [2] *Ibid.* x. 551. [3] *Ibid.* xi. 75. [4] *Ibid.* xi. 33.

reform agitation was reaching the land of promise, but Bentham was to die in the wilderness. He sank without a struggle on 6th June 1832, his head resting on Bowring's bosom. He left the characteristic direction that his body should be dissected for the benefit of science. An incision was formally made; and the old gentleman, in his clothes as he lived, his face covered by a wax mask, is still to be seen at University College in Gower Street.

Bentham, as we are told, had a strong personal resemblance to Benjamin Franklin. Sagacity, benevolence, and playfulness were expressed in both physiognomies. Bentham, however, differed from the man whose intellect presents many points of likeness, in that he was not a man of the market-place or the office. Bentham was in many respects a child through life:[1] a child in simplicity, good humour, and vivacity; his health was unbroken; he knew no great sorrow; and after emerging from the discouragement of his youth, he was placidly contemplating a continuous growth of fame and influence. He is said to have expressed the wish that he could awake once in a century to contemplate the prospect of a world gradually adopting his principles and so making steady progress in happiness and wisdom.

No man could lead a simpler life. His chief luxuries at table were fruit, bread, and tea. He had a 'sacred teapot' called Dick, with associations of its own, and carefully regulated its functions. He refrained from wine during the greatest part of his life, and was never guilty of a single act of intemperance. In later life he took a daily half-glass of Madeira. He was scrupulously

[1] Mill's *Dissertations*, i. 354 and 392 *n*.

neat in person, and wore a Quaker-like brown coat, brown cassimere breeches, white worsted stockings and a straw hat. He walked or 'rather trotted' with his stick Dapple, and took his 'ante-prandial' and other 'circumgyrations' with absolute punctuality. He loved pets; he had a series of attached cats; and cherished the memory of a 'beautiful pig' at Hendon, and of a donkey at Ford Abbey. He encouraged mice to play in his study—a taste which involved some trouble with his cats, and suggests problems as to the greatest happiness of the greatest number. Kindness to animals was an essential point of his moral creed. 'I love everything,' he said, 'that has four legs.' He had a passion for flowers, and tried to introduce useful plants. He loved music—especially Handel—and had an organ in his house. He cared nothing for poetry: 'Prose,' he said,[1] 'is when all the lines except the last go on to the margin. Poetry is when some of them fall short of it.' He was courteous and attentive to his guests, though occasionally irritable when his favourite crotchets were transgressed, or especially if his fixed hours of work were deranged.

His regularity in literary work was absolute. He lived by a time-table, working in the morning and turning out from ten to fifteen folio pages daily. He read the newspapers regularly, but few books, and cared nothing for criticisms on his own writings. His only substantial meal was a dinner at six or half-past, to which he occasionally admitted a few friends as a high privilege. He liked to discuss the topics of which his mind was full, and made notes beforehand of particular points to

[1] *Works*, x. 442.

be introduced in conversation. He was invariably inaccessible to visitors, even famous ones, likely to distract his thoughts. 'Tell Mr. Bentham that Mr. Richard Lovell Edgeworth desires to see him.' 'Tell Mr. Richard Lovell Edgeworth that Mr. Bentham does not desire to see him' was the reply. When Mme. de Stael came to England, she said to Dumont: 'Tell Bentham I shall see nobody till I have seen him.' 'I am sorry for it,' said Bentham, 'for then she will never see anybody.' And he summed up his opinion of the famous author of *Corinne* by calling her 'a trumpery magpie.'[1] There is a simplicity and vivacity about some of the sayings reported by Bowring, which prove that Bentham could talk well, and increase our regret for the absence of a more efficient Boswell. At ten Bentham had his tea, at eleven his nightcap, and by twelve all his guests were ignominiously expelled. He was left to sleep on a hard bed. His sleep was light, and much disturbed by dreams.

Bentham was certainly amiable. The 'surest way to gain men,' he said, 'is to appear to love them, and the surest way to appear to love them is to love them in reality.' The least pleasing part of his character, however, is the apparent levity of his attachments. He was, as we have seen, partly alienated from Dumont, though some friendly communications are recorded in later years, and Dumont spoke warmly of Bentham only a few days before his death in 1829.[2] He not only cooled towards James Mill, but, if Bowring is to be trusted, spoke of him with great harshness.[3] Bowring was not a judicious reporter, indeed, and capable of taking hasty phrases too seriously. What Bentham's remarks upon these and

[1] *Works*, x. 467; xi. 79. [2] *Ibid.* xi. 23-24. [3] *Ibid.* x. 450.

other friends suggest is not malice or resentment, but the flippant utterance of a man whose feelings are wanting in depth rather than kindliness. It is noticeable that, after his early visit at Bowood, no woman seems to have counted for anything in Bentham's life. He was not only never in love, but it looks as if he never even talked to any woman except his cook or housemaid.

The one conclusion that I need draw concerns a question not, I think, hard to be solved. It would be easy to make a paradox by calling Bentham at once the most practical and most unpractical of men. This is to point out the one-sided nature of Bentham's development. Bentham's habits remind us in some ways of Kant; and the thought may be suggested that he would have been more in his element as a German professor of philosophies. In such a position he might have devoted himself to the delight of classifying and co-ordinating theories, and have found sufficient enjoyment in purely intellectual activity. After a fashion that was the actual result. How far, indeed, Bentham could have achieved much in the sphere of pure philosophy, and what kind of philosophy he would have turned out, must be left to conjecture. The circumstances of his time and country, and possibly his own temperament generally, turned his thoughts to problems of legislation and politics, that is to say, of direct practical interest. He was therefore always dealing with concrete facts, and a great part of his writings may be considered as raw material for acts of parliament. Bentham remained, however, unpractical, in the sense that he had not that knowledge which we ascribe either to the poet or to the man of the world. He had neither the passion nor the sympathetic imagination. The springs

of active conduct which Byron knew from experience were to Bentham nothing more than names in a careful classification. Any shrewd attorney or Bow Street runner would have been a better judge of the management of convicts; and here were dozens of party politicians, such as Rigby and Barré, who could have explained to him beforehand those mysteries in the working of the political machinery, which it took him half a lifetime to discover. In this sense Bentham was unpractical in the highest degree, for at eighty he had not found out of what men are really made. And yet by his extraordinary intellectual activity and the concentration of all his faculties upon certain problems, he succeeded in preserving an example, and though not a unique yet an almost unsurpassable example, of the power which belongs to the man of one idea.

CHAPTER VI

BENTHAM'S DOCTRINE

I. FIRST PRINCIPLES

Bentham's position is in one respect unique. There have been many greater thinkers; but there has been hardly any one whose abstract theory has become in the same degree the platform of an active political party. To accept the philosophy was to be also pledged to practical applications of Utilitarianism. What, then, was the revelation made to the Benthamites, and to what did it owe its influence? The central doctrine is expressed in Bentham's famous formula: the test of right and wrong is the 'greatest happiness of the greatest number.' There was nothing new in this assertion. It only expresses the fact that Bentham accepted one of the two alternatives which have commended themselves to conflicting schools ever since ethical speculation was erected into a separate department of thought. Moreover, the side which Bentham took was, we may say, the winning side. The ordinary morality of the time was Utilitarian in substance. Hutcheson had invented the sacred phrase: and Hume had based his moral system upon 'utility.'[1] Bentham

[1] See note under Bentham's life, *ante*, p. 178.

had learned much from Helvétius the French freethinker, and had been anticipated by Paley the English divine. The writings in which Bentham deals explicitly with the general principles of Ethics would hardly entitle him to a higher position than that of a disciple of Hume without Hume's subtlety; or of Paley without Paley's singular gift of exposition. Why, then, did Bentham's message come upon his disciples with the force and freshness of a new revelation? Our answer must be in general terms that Bentham founded not a doctrine but a method: and that the doctrine which came to him simply as a general principle was in his hands a potent instrument applied with most fruitful results to questions of immediate practical interest.

Beyond the general principle of utility, therefore, we have to consider the 'organon' constructed by him to give effect to a general principle too vague to be applied in detail. The fullest account of this is contained in the *Introduction to the Principles of Morals and Legislation.* This work unfortunately is a fragment, but it gives his doctrine vigorously and decisively, without losing itself in the minute details which become wearisome in his later writings. Bentham intended it as an introduction to a penal code; and his investigation sent him back to more general problems. He found it necessary to settle the relations of the penal code to the whole body of law; and to settle these he had to consider the principles which underlie legislation in general. He had thus, he says, to 'create a new science,' and then to elaborate one department of the science. The 'introduction' would contain prolegomena not only for the penal code but for the other departments of inquiry

which he intended to exhaust.[1] He had to lay down primary truths which should be to this science what the axioms are to mathematical sciences.[2] These truths therefore belong to the sphere of conduct in general, and include his ethical theory.

'Nature has placed mankind' (that is his opening phrase) 'under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do.' There is the unassailable basis. It had been laid down as unequivocally by Locke,[3] and had been embodied in the brilliant couplets of Pope's *Essay on Man*.[4] At the head of the curious table of universal knowledge, given in the *Chrestomathia*, we have Eudæmonics as an all-comprehensive name of which every art is a branch.[5] Eudæmonics, as an art, corresponds to the science 'ontology.' It covers the whole sphere of human thought. It means knowledge in general as related to conduct. Its first principle, again, requires no more proof than the primary axioms of arithmetic or geometry. Once understood, it is by the same act of the mind seen to be true. Some people, indeed, do not see it. Bentham rather ignores than answers some of their arguments. But his mode of treating opponents indicates his own position. 'Happiness,' it is often said, is too vague a word to be the keystone of an ethical system; it varies

[1] Preface to *Morals and Legislation*.

[2] *Works*, i. ('Morals and Legislation'), ii. *n*.

[3] *Essay*, bk. ii. ch. xxi. § 39-§ 44. The will, says Locke, is determined by the 'uneasiness of desire.' What moves desire? Happiness, and that alone. Happiness is pleasure, and misery pain. What produces pleasure we call good; and what produces pain we call evil. Locke, however, was not a consistent Utilitarian.

[4] Epistle iv., opening lines.

[5] *Works*, viii. 82.

from man to man: or it is 'subjective,' and therefore gives no absolute or independent ground for morality. A morality of 'eudæmonism' must be an 'empirical' morality, and we can never extort from it that 'categorical imperative,' without which we have instead of a true morality a simple system of 'expediency.' From Bentham's point of view the criticism must be retorted. He regards 'happiness' as precisely the least equivocal of words; and 'happiness' itself as therefore affording the one safe clue to all the intricate problems of human conduct. The authors of the *Federalist*, for example, had said that justice was the 'end of government.' 'Why not happiness?' asks Bentham. 'What happiness is every man knows, because what pleasure is, every man knows, and what pain is, every man knows. But what justice is—this is what on every occasion is the subject-matter of dispute.'[1] That phrase gives his view in a nutshell. Justice is the means, not the end. That is just which produces a maximum of happiness. Omit all reference to Happiness, and Justice becomes a meaningless word prescribing equality, but not telling us equality of what. Happiness, on the other hand, has a substantial and independent meaning from which the meaning of justice can be deduced. It has therefore a logical priority: and to attempt to ignore this is the way to all the labyrinths of hopeless confusion by which legislation has been made a chaos. Bentham's position is indicated by his early conflict with Blackstone, not a very powerful representative of the opposite principle. Blackstone, in fact, had tried to base his defence of that eminently empirical product, the British Constitution,

[1] *Works* ('Constitutional Code'), ix. 123.

upon some show of a philosophical groundwork. He had used the vague conception of a 'social contract,' frequently invoked for the same purpose at the revolution of 1688, and to eke out his arguments applied the ancient commonplaces about monarchy, aristocracy, and democracy. He thus tried to invest the constitution with the sanctity derived from this mysterious 'contract,' while appealing also to tradition or the incarnate 'wisdom of our ancestors,' as shown by their judicious mixture of the three forms. Bentham had an easy task, though he performed it with remarkable vigour, in exposing the weakness of this heterogeneous aggregate. Look closely, and this fictitious contract can impose no new obligation: for the obligation itself rests upon Utility. Why not appeal to Utility at once? I am bound to obey, not because my great-grandfather may be regarded as having made a bargain, which he did not really make, with the great-grandfather of George III.; but simply because rebellion does more harm than good. The forms of government are abstractions, not names of realities, and their 'mixture' is a pure figment. King, Lords, and Commons are not really incarnations of power, wisdom, and goodness. Their combination forms a system the merits of which must in the last resort be judged by its working. 'It is the principle of utility, accurately apprehended and steadily applied, that affords the only clew to guide a man through these streights.'[1] So much in fact Bentham might learn from Hume; and to defend upon any other ground the congeries of traditional arrangements which passed for the British Constitution was obviously absurd. It was in this warfare against the

[1] *Works* ('Fragment'), i. 287.

shifting and ambiguous doctrines of Blackstone that Bentham first showed the superiority of his own method: for, as between the two, Bentham's position is at least the most coherent and intelligible.

Blackstone, however, represents little more than a bit of rhetoric embodying fragments of inconsistent theories. The *Morals and Legislation* opens by briefly and contemptuously setting aside more philosophical opponents of Utilitarianism. The 'ascetic' principle, for example, is the formal contradiction of the principle of Utility, for it professedly declares pleasure to be evil. Could it be consistently carried out it would turn earth into hell. But in fact it is at bottom an illegitimate corollary from the very principle which it ostensibly denies. It professes to condemn pleasure in general; it really means that certain pleasures can only be bought at an excessive cost of pain. Other theories are contrivances for avoiding the appeal 'to any external standard'; and in substance, therefore, they make the opinion of the individual theorist an ultimate and sufficient reason. Adam Smith by his doctrine of 'sympathy' makes the sentiment of approval itself the ultimate standard. My feeling echoes yours, and reciprocally; each cannot derive authority from the other. Another man (Hutcheson) invents a thing made on purpose to tell him what is right and what is wrong and calls it a 'moral sense.' Beattie substitutes 'common' for 'moral' sense, and his doctrine is attractive because every man supposes himself to possess common-sense. Others, like Price, appeal to the Understanding, or, like Clarke, to the 'Fitness of Things,' or they invent such phrases as 'Law of Nature,' or 'Right Reason' or 'Natural Justice,' or what you

please. Each really means that whatever he says is infallibly true and self-evident. Wollaston discovers that the only wrong thing is telling a lie; or that when you kill your father, it is a way of saying that he is not your father, and the same method is applicable to any conduct which he happens to dislike. The 'fairest and openest of them all' is the man who says, 'I am of the number of the Elect'; God tells the Elect what is right: therefore if you want to know what is right, you have only to come to me.[1] Bentham is writing here in his pithiest style. His criticism is of course of the rough and ready order; but I think that in a fashion he manages to hit the nail pretty well on the head.

His main point, at any rate, is clear. He argues briefly that the alternative systems are illusory because they refer to no 'external standard.' His opponents, not he, really make morality arbitrary. This, whatever the ultimate truth, is in fact the essential core of all the Utilitarian doctrine descended from or related to Benthamism. Benthamism aims at converting morality into a science. Science, according to him, must rest upon facts. It must apply to real things, and to things which have definite relations and a common measure. Now, if anything be real, pains and pleasures are real. The expectation of pain or pleasure determines conduct; and, if so, it must be the sole determinant of conduct. The attempt to conceal or evade this truth is the fatal source of all equivocation and confusion. Try the

[1] *Works* ('Morals and Legislation'), i. 6-10. Mill quotes this passage in his essay on Bentham in the first volume of his *Dissertations*. This essay, excellent in itself, must be specially noticed as an exposition by an authoritative disciple.

experiment. Introduce a 'moral sense.' What is its relation to the desire for happiness? If the dictates of the moral sense be treated as ultimate, an absolutely arbitrary element is introduced; and we have one of the 'innate ideas' exploded by Locke, a belief summarily intruded into the system without definite relations to any other beliefs: a dogmatic assertion which refuses to be tested or to be correlated with other dogmas; a reduction therefore of the whole system to chaos. It is at best an instinctive belief which requires to be justified and corrected by reference to some other criterion. Or resolve morality into 'reason,' that is, into some purely logical truth, and it then remains in the air—a mere nonentity until experience has supplied some material upon which it can work. Deny the principle of utility, in short, as he says in a vigorous passage,[1] and you are involved in a hopeless circle. Sooner or later you appeal to an arbitrary and despotic principle and find that you have substituted words for thoughts.

The only escape from this circle is the frank admission that happiness is, in fact, the sole aim of man. There are, of course, different kinds of happiness as there are different kinds of physical forces. But the motives to action are, like the physical forces, commensurable. Two courses of conduct can always be compared in respect of the happiness produced, as two motions of a body can be compared in respect of the energy expended. If, then, we take the moral judgment to be simply a judgment of amounts of happiness, the whole theory can be systematised, and its various theorems ranged under a single axiom or consistent set of axioms. Pain and

[1] *Works* ('Morals and Legislation'), i. 13.

pleasure give the real value of actions; they are the currency with a definite standard into which every general rule may be translated. There is always a common measure applicable in every formula for the estimation of conduct. If you admit your Moral Sense, you profess to settle values by some standard which has no definite relation to the standard which in fact governs the normal transactions. But any such double standard, in which the two measures are absolutely incommensurable, leads straight to chaos. Or, if again you appeal to reason in the abstract, you are attempting to settle an account by pure arithmetic without reference to the units upon which your operation is performed. Two pounds and two pounds will make four pounds whatever a pound may be; but till I know what it is, the result is nugatory. Somewhere I must come upon a basis of fact, if my whole construction is to stand.

This is the fundamental position implied in Bentham's doctrine. The moral judgment is simply one case of the judgment of happiness. Bentham is so much convinced of this that to him there appeared to be in reality no other theory. What passed for theories were mere combinations of words. Having said this, we know where to lay the foundations of the new science. It deals with a vast complicity of facts: it requires 'investigations as severe as mathematical ones, but beyond all comparison more intricate and extensive.'[1] Still it deals with facts, and with facts which have a common measure, and can, therefore, be presented as a coherent system. To present this system, or so much of it as is required for purposes of legislation, is therefore

[1] *Works* ('Morals and Legislation'), i. v.

his next task. The partial execution is the chief substance of the *Introduction.* Right and wrong conduct, we may now take for granted, mean simply those classes of conduct which are conducive to or opposed to happiness; or, in the sacred formula, to act rightly means to promote the greatest happiness of the greatest number. The legislator, like every one else, acts rightly in so far as he is guided by the principle (to use one of the phrases coined by Bentham) of 'maximising' happiness. He seeks to affect conduct; and conduct can be affected only by annexing pains or pleasures to given classes of actions. Hence we have a vitally important part of his doctrine—the theory of 'sanctions.' Pains and pleasures as annexed to action are called 'sanctions.' There are 'physical or natural,' 'political,' 'moral or popular,' and 'religious' sanctions. The 'physical' sanctions are such pleasures and pains as follow a given course of conduct independently of the interference of any other human or supernatural being; the 'political' those which are annexed by the action of the legislator; the 'moral or popular' those which are annexed by other individuals not acting in a corporate capacity; and the 'religious' those which are annexed by a 'superior invisible being,' or, as he says elsewhere,[1] 'such as are capable of being expected at the hands of an invisible Ruler of the Universe.' The three last sanctions, he remarks, 'operate through the first.' The 'magistrate' or 'men at large' can only operate, and God is supposed only to operate, 'through the powers of nature,' that is, by applying some of the pains and pleasures which may also be natural sanctions. A man is burnt: if by his own imprudence, that is a

[1] *Works* ('Evidence'), vi. 261.

'physical' sanction; if by the magistrate, it is a 'political'" sanction; if by some neglect of his neighbours, due to their dislike of his 'moral character,' a 'moral' sanction; if by the immediate act of God or by distraction caused by dread of God's displeasure, it is a 'religious' sanction. Of these, as Bentham characteristically observes[1] in a later writing the political is much stronger than the 'moral' or 'religious.' Many men fear the loss of character or the 'wrath of Heaven,' but all men fear the scourge and the gallows.[2] He admits, however, that the religious sanction and the additional sanction of 'benevolence' have the advantage of not requiring that the offender should be found out.[3] But in any case, the 'natural' and religious sanctions are beyond the legislator's power. His problem, therefore, is simply this: what sanctions ought he to annex to conduct, or remembering that 'ought' means simply 'conducive to happiness,' what political sanctions will increase happiness?

To answer this fully will be to give a complete system of legislation; but in order to answer it we require a whole logical and psychological apparatus. Bentham shows this apparatus at work, but does not expound its origin in any separate treatise. Enough information, however, is given as to his method in the curious collection of the fragments connected with the *Chrestomathia*. A logical method upon which he constantly

[1] *Works* ('Evidence'), vii. 116.

[2] *Ibid.* ('Morals and Legislation'), i. 14, etc.; *Ibid.* vi. 260. In *Ibid.* ('Evidence') vii. 116, 'humanity,' and in 'Logical Arrangements,' *Ibid.* ii. 290, 'sympathy' appears as a fifth sanction. Another modification is suggested in *Ibid.* i. 14 *n.*

[3] *Ibid.* ('Morals and Legislation') i. 67.

insisted is that of 'bipartition,'[1] called also the 'dichotomous' or 'bifurcate' method, and exemplified by the so-called 'Porphyrian Tree.' The principle is, of course, simple. Take any genus: divide it into two classes, one of which has and the other has not a certain mark. The two classes must be mutually exclusive and together exhaustive. Repeat the operation upon each of the classes and continue the process as long as desired.[2] At every step you thus have a complete enumeration of all the species, varieties, and so on, each of which excludes all the others. No mere logic, indeed, can secure the accuracy and still less the utility of the procedure. The differences may be in themselves ambiguous or irrelevant. If I classify plants as 'trees' and 'not trees,' the logical form is satisfied: but I have still to ask whether 'tree' conveys a determinate meaning, and whether the distinction corresponds to a difference of any importance. A perfect classification, however, could always be stated in this form. Each species, that is, can be marked by the presence or absence of a given difference, whether we are dealing with classes of plants or actions: and Bentham aims at that consummation though he admits that centuries may be required for the construction of an accurate classification in ethical speculations.[3] He exaggerates the efficiency of his method, and overlooks the tendency of tacit assumptions to smuggle themselves into what affects to be a mere enumeration of classes. But in any case, no one could labour more industriously to get every object of his

[1] *Works* ('Morals and Legislation'), i. 96 *n*.
[2] See especially *Ibid.* viii. 104, etc.; 253, etc.; 289, etc.
[3] *Ibid.* viii. 106.

thought arranged and labelled and put into the right pigeon-hole of his mental museum. To codify[1] is to classify, and Bentham might be defined as a codifying animal.

Things thus present themselves to Bentham's mind as already prepared to fit into pigeon-holes. This is a characteristic point, and it appears in what we must call his metaphysical system. 'Metaphysics,' indeed, according to him, is simply 'a sprig,' and that a small one, of the 'branch termed Logic.'[2] It is merely the explanation of certain general terms such as 'existence,' 'necessity,' and so forth.[3] Under this would apparently fall the explanation of 'reality' which leads to a doctrine upon which he often insists, and which is most implicitly given in the fragment called *Ontology*. He there distinguishes 'real' from 'fictitious entities,' a distinction which, as he tells us,[4] he first learned from d'Alembert's phrase *Êtres fictifs*, and which he applies in his *Morals and Legislation*. 'Real entities,' according to him,[5] are 'individual perceptions,' 'impressions,' and 'ideas.' In this, of course, he is following Hume, though he applies the Johnsonian argument to Berkeley's immaterialism.[6] A 'fictitious entity' is a name which does not 'raise up in the mind any correspondent images.'[7] Such names owe their existence to the necessities of language. Without employing such fictions, however, 'the language of man could not have risen above the language of

[1] 'Codify' was one of Bentham's successful neologisms.

[2] *Works* ('Logic'), viii. 220.

[3] Here Bentham coincides with Horne Tooke, to whose 'discoveries' he refers in the *Chrestomathia* (*Works*, viii. 120, 185, 188).

[4] *Works*, iii. 286; viii. 119.

[5] *Ibid.* ('Ontology') viii. 196 *n.*

[6] *Ibid.* viii. 197 *n.*

[7] *Ibid.* viii. 263.

brutes';[1] and he emphatically distinguishes them from 'unreal' or 'fabulous entities.' A 'fictitious entity' is not a 'nonentity.'[2] He includes among such entities all Aristotle's 'predicaments' except the first: 'substance.'[3] Quantity, quality, relation, time, place are all 'physical fictitious entities.' This is apparently equivalent to saying that the only 'physical entities' are concrete things—sticks, stones, bodies, and so forth—the 'reality' of which he takes for granted in the ordinary common-sense meaning. It is also perfectly true that things are really related, have quantity and quality, and are in time and space. But we cannot really conceive the quality or relation apart from the concrete things so qualified and related. We are forced by language to use substantives which in their nature have only the sense of adjectives. He does not suppose that a body is not really square or round; but he thinks it a fiction to speak of squareness or roundness or space in general as something existing apart from matter and, in some sense, alongside of matter.

This doctrine, which brings us within sight of metaphysical problems beyond our immediate purpose, becomes important to his moral speculation. His special example of a 'fictitious entity' in politics is 'obligation.'[4] Obligations, rights, and similar words are 'fictitious 'entities.' Obligation in particular implies a metaphor. The statement that a man is 'obliged' to perform an act means simply that he will suffer pain if he does not perform it. The use of the word obligation, as a noun substantive, introduces the 'fictitious entity' which represents nothing

[1] *Works* ('Ontology'), viii. 119.
[2] *Ibid.* viii. 198.
[3] *Ibid.* viii. 199.
[4] *Ibid.* viii. 206, 247.

really separable from the pain or pleasure. Here, therefore, we have the ground of the doctrine already noticed. 'Pains and pleasures' are real.[1] 'Their existence,' he says,[2] 'is matter of universal and constant experience.' But other various names referring to these: emotion, inclination, vice, virtue, etc., are only 'psychological entities.' 'Take away pleasures and pains, not only happiness but justice and duty and obligation and virtue—all of which have been so elaborately held up to view as independent of them—are so many empty sounds.'[3] The ultimate facts, then, are pains and pleasures. They are the substantives of which these other words are properly the adjectives. A pain or a pleasure may exist by itself, that is without being virtuous or vicious: but virtue and vice can only exist in so far as pain and pleasure exists.

This analysis of 'obligation' is a characteristic doctrine of the Utilitarian school. We are under an 'obligation' so far as we are affected by a 'sanction.' It appeared to Bentham so obvious as to need no demonstration, only an exposition of the emptiness of any verbal contradiction. Such metaphysical basis as he needed is simply the attempt to express the corresponding conception of reality which, in his opinion, only requires to be expressed to carry conviction.

II. SPRINGS OF ACTION

Our path is now clear. Pains and pleasures give us what mathematicians call the 'independent variable.'

[1] Helvétius adds to this that the only real pains and pleasures are the physical, but Bentham does not follow him here. See Helvétius, *Œuvres* (1781), ii. 121, etc. [2] *Works*, i. 211 ('Springs of Action'). [3] *Ibid.* i. 206.

Our units are (in Bentham's phrase) 'lots' of pain or pleasure. We have to interpret all the facts in terms of pain or pleasure, and we shall have the materials for what has since been called a 'felicific calculus.' To construct this with a view to legislation is his immediate purpose. The theory will fall into two parts: the 'pathological,' or an account of all the pains and pleasures which are the primary data; and the 'dynamical,' or an account of the various modes of conduct determined by expectations of pain and pleasure. This gives the theory of 'springs of action,' considered in themselves, and of 'motives,' that is, of the springs as influencing conduct.[1] The 'pathology' contains, in the first place, a discussion of the measure of pain and pleasure in general; secondly, a discussion of the various species of pain and pleasure; and thirdly, a discussion of the varying sensibilities of different individuals to pain and pleasure.[2] Thus under the first head, we are told that the value of a pleasure, considered by itself, depends upon its intensity, duration, certainty, and propinquity; and, considered with regard to modes of obtaining it, upon its fecundity (or tendency to produce other pains and pleasures) and its purity (or freedom from admixture of other pains and pleasures). The pain or pleasure is thus regarded as an entity which is capable of being in some sense weighed and measured.[3]

[1] *Works*, i. 205; and Dumont's *Traités* (1820), i. xxv, xxvi. The word 'springs of action' perhaps comes from the marginal note to the above-mentioned passage of Locke (bk. ii. chap. xxvi. § 41, 42).

[2] *Morals and Legislation*, chaps. iv., v., vi.

[3] See 'Codification Proposal' (*Works*, iv. 540), where Bentham takes money as representing pleasure, and shows how the present value may be calculated like that of a sum put out to interest. The same assumption is often made by Political Economists in regard to 'utilities.'

The next step is to classify pains and pleasures, which though commensurable as psychological forces, have obviously very different qualities. Bentham gives the result of his classification without the analysis upon which it depends. He assures us that he has obtained an 'exhaustive' list of 'simple pleasures.' It must be confessed that the list does not commend itself either as exhaustive or as composed of 'simple pleasures.' He does not explain the principle of his analysis because he says, it was of 'too metaphysical a cast,'[1] but he thought it so important that he published it, edited with considerable modifications by James Mill, in 1817, as a *Table of the Springs of Action.*[2]

J. S. Mill remarks that this table should be studied by any one who would understand Bentham's philosophy. Such a study would suggest some unfavourable conclusions. Bentham seems to have made out his table without the slightest reference to any previous psycho-

[1] *Works* ('Morals and Legislation'), i. 17 *n.*

[2] It is not worth while to consider this at length; but I give the following conjectural account of the list as it appears in the *Morals and Legislation* above. In classifying pain or pleasures, Bentham is, I think, following the clue suggested by his 'sanctions.' He is really classifying according to their causes or the way in which they are 'annexed.' Thus pleasures may or may not be dependent upon other persons, or if upon other persons, may be indirectly or directly caused by their pleasures or pains. Pleasures not caused by persons correspond to the 'physical sanction,' and are those (1) of the 'senses,' (2) of wealth, *i.e.* caused by the possession of things, and (3) of 'skill,' *i.e.* caused by our ability to use things. Pleasures caused by persons indirectly correspond first to the 'popular or moral sanction,' and are pleasures (4) of 'amity,' caused by the goodwill of individuals, and (5) of a 'good name,' caused by the goodwill of people in general; secondly, to 'political sanction,' namely (6) pleasures of 'power'; and thirdly, to the 'religious sanction,' or (7) pleasures of 'piety.' All these are 'self-regarding pleasures.' The pleasures caused directly by the pleasure of others are those (8) of 'benevolence,' and (9) of malevolence. We then have what is really a cross

logist. It is simply constructed to meet the requirements of his legislative theories. As psychology it would be clearly absurd, especially if taken as giving the elementary or 'simple' feelings. No one can suppose, for example, that the pleasures of 'wealth' or 'power' are 'simple' pleasures. The classes therefore are not really distinct, and they are as far from being exhaustive. All that can be said for the list is that it gives a sufficiently long enumeration to call attention from his own point of view to most of the ordinary pleasures and pains; and contains as much psychology as he could really turn to account for his purpose.

The omissions with which his greatest disciple charges him are certainly significant. We find, says Mill, no reference to 'Conscience,' 'Principle,' 'Moral Rectitude,' or 'Moral Duty' among the 'springs of action,' unless among the synonyms of a 'love of reputation,' or in so far as 'Conscience' and 'Principle' are sometimes synonymous with the 'religious' motive or the motive

division by classes of 'derivative' pleasures; these being due to (10) memory, (11) imagination, (12) expectation, (13) association. To each class of pleasures corresponds a class of pains, except that there are no pains corresponding to the pleasures of wealth or power. We have, however, a general class of pains of 'privation,' which might include pains of poverty or weakness: and to these are opposed (14) pleasures of 'relief,' *i.e.* of the privation of pains. In the *Table*, as separately published, Bentham modified this by dividing pleasures of sense into three classes, the last of which includes the two first; by substituting pleasures of 'curiosity' for pleasures of 'skill,' by suppressing pleasures of relief and pains of privation; and by adding, as a class of 'pains' without corresponding pleasures, pains (1) of labour, (2) of 'death, and bodily pains in general.' These changes seem to have been introduced in the course of writing his *Introduction*, where they are partly assumed. Another class is added to include all classes of 'self-regarding pleasures or pains.' He is trying to give a list of all 'synonyms' for various pains and pleasures, and has therefore to admit classes corresponding to general names which include other classes.

of 'sympathy.' So the sense of 'honour,' the love of beauty, and of order, of power (except in the narrow sense of power over our fellows) and of action in general are all omitted. We may conjecture what reply Bentham would have made to this criticism. The omission of the love of beauty and æsthetic pleasures may surprise us when we remember that Bentham loved music, if he cared nothing for poetry. But he apparently regarded these as 'complex pleasures,'[1] and therefore not admissible into his table, if it be understood as an analysis into the simple pleasures alone. The pleasures of action are deliberately omitted, for Bentham pointedly gives the 'pains' of labour as a class without corresponding pleasure; and this, though indicative, I think, of a very serious error, is characteristic rather of his method of analysis than of his real estimate of pleasure. Nobody could have found more pleasure than Bentham in intellectual labour, but he separated the pleasure from the labour. He therefore thought 'labour,' as such, a pure evil, and classified the pleasure as a pleasure of 'curiosity.' But the main criticism is more remarkable. Mill certainly held himself to be a sound Utilitarian; and yet he seems to be condemning Bentham for consistent Utilitarianism. Bentham, by admitting the 'conscience' into his simple springs of action, would have fallen into the very circle from which he was struggling to emerge. If, in fact, the pleasures of conscience are simple pleasures, we have the objectionable 'moral sense' intruded as an ultimate factor of human

[1] *Works*, i. 210, where he speaks of pleasures of the 'ball-room,' the 'theatre,' and the 'fine arts' as derivable from the 'simple and elementary' pleasures.

nature. To get rid of that 'fictitious entity' is precisely Bentham's aim. The moral judgment is to be precisely equivalent to the judgment: 'this or that kind of conduct increases or diminishes the sum of human pains or pleasures.' Once allow that among the pains and pleasures themselves is an ultimate conscience—a faculty not constructed out of independent pains and pleasures—and the system becomes a vicious circle. Conscience on any really Utilitarian scheme must be a derivative, not an ultimate, faculty. If, as Mill seems to say, the omission is a blunder, Bentham's Utilitarianism at least must be an erroneous system.

We have now our list both of pains and pleasures and of the general modes of variation by which their value is to be measured. We must also allow for the varying sensibilities of different persons. Bentham accordingly gives a list of thirty-two 'circumstances influencing sensibility.'[1] Human beings differ in constitution, character, education, sex, race, and so forth, and in their degrees of sensibility to all the various classes of pains and pleasures; the consideration of these varieties is of the highest utility for the purposes of the judge and the legislator.[2] The 'sanctions' will operate differently in different cases. A blow will have different effects upon the sick and upon the healthy; the same fine imposed upon the rich and the poor will cause very different pains; and a law which is beneficent in Europe may be a scourge in America.

We have thus our 'pathology' or theory of the passive sensibilities of man. We know what are the 'springs of action,' how they vary in general, and how they vary

[1] *Works* ('Morals and Legislation'), i. 22 etc. [2] *Ibid.* i. 33.

from one man to another. We can therefore pass to the dynamics.[1] We have described the machinery in rest, and can now consider it in motion. We proceed as before by first considering action in general: which leads to consideration of the 'intention' and the 'motive' implied by any conscious action: and hence of the relation of these to the 'springs of action' as already described. The discussion is minute and elaborate; and Bentham improves as he comes nearer to the actual problems of legislation and further from the ostensible bases of pyschology. The analysis of conduct, and of the sanctions by which conduct is modified, involves a view of morals and of the relations between the spheres of morality and legislation which is of critical importance for the whole Utilitarian creed. 'Moral laws' and a 'Positive law' both affect human action. How do they differ? Bentham's treatment of the problem shows, I think, a clearer appreciation of some difficulties than might be inferred from his later utterances. In any case, it brings into clear relief a moral doctrine which deeply affected his successors.

III. THE SANCTIONS

Let us first take his definitions of the fundamental conceptions. All action of reasonable beings implies the expectation of consequences. The agent's 'intention' is defined by the consequences actually contemplated. The cause of action is the hope of the consequent pleasures or the dread of the consequent

[1] *Morals and Legislation*, ch. vii. to xi.

pains. This anticipated pleasure or pain constitutes the 'internal motive' (a phrase used by Bentham to exclude the 'external motive' or event which causes the anticipation).[1] The motive, or 'internal motive,' is the anticipation of pain to be avoided or pleasure to be gained. Actions are good or bad simply and solely as they are on the whole 'productive of a balance of pleasure or pain.' The problem of the legislator is how to regulate actions so as to incline the balance to the right side. His weapons are 'sanctions' which modify 'motives.' What motives, then, should be strengthened or checked? Here we must be guided by a principle which is, in fact, the logical result of the doctrines already laid down. We are bound to apply our 'felicific calculus' with absolute impartiality. We must therefore assign equal value to all motives. 'No motives,' he says,[2] are 'constantly good or constantly bad.' Pleasure is itself a good; pain itself an evil: nay, they are 'the only good and the only evil.' This is true of every sort of pain and pleasure, even of the pains and pleasures of illwill. The pleasures of 'malevolence' are placed in his 'table' by the side of pleasures of 'benevolence.' Hence it 'follows immediately and incontestably, that there is no such thing as any sort of motive that is in itself a bad one.' The doctrine is no doubt a logical deduction from Bentham's assumptions, and he proceeds to illustrate its meaning. A 'motive' corresponds to one of his 'springs of action.' He shows how every one of the motives included in his table may lead either to good or to bad consequences. The desire of wealth may lead me to kill a man's enemy or to plough his field for him; the

[1] *Works* ('Morals and Legislation'), i. 46. [2] *Ibid.* i. 48.

fear of God may prompt to fanaticism or to charity; ill-will may lead to malicious conduct or may take the form of proper 'resentment,' as, for example, when I secure the punishment of my father's murderer. Though one act, he says, is approved and the other condemned, they spring from the same motive, namely, illwill.[1] He admits, however, that some motives are more likely than others to lead to 'useful' conduct; and thus arranges them in a certain 'order of pre-eminence.'[2] It is obvious that 'goodwill,' 'love of reputation,' and the 'desire of amity' are more likely than others to promote general happiness. 'The dictates of utility,' as he observes, are simply the 'dictates of the most extensive and enlightened (that is, *well advised*) benevolence.' It would, therefore, seem more appropriate to call the 'motive' good; though no one doubts that when directed by an erroneous judgment it may incidentally be mischievous.

The doctrine that morality depends upon 'consequences' and not upon 'motives' became a characteristic Utilitarian dogma, and I shall have to return to the question. Meanwhile, it was both a natural and, I think, in some senses, a correct view, when strictly confined to the province of legislation. For reasons too obvious to expand, the legislator must often be indifferent to the question of motives. He cannot know with certainty what are a man's motives. He must enforce the law whatever may be the motives for breaking it; and punish rebellion, for example, even if he attributes it to misguided philanthropy. He can, in any case, punish only such crimes as are found out; and must define crimes by

[1] *Works* ('Morals and Legislation'), i. 56. [2] *Ibid.* i. 56.

palpable 'external' marks. He must punish by such coarse means as the gallows and the gaol: for his threats must appeal to the good and the bad alike. He depends, therefore, upon 'external' sanctions, sanctions, that is, which work mainly upon the fears of physical pain; and even if his punishments affect the wicked alone, they clearly cannot reach the wicked as wicked, nor in proportion to their wickedness. That is quite enough to show why in positive law motives are noticed indirectly or not at all. It shows also that the analogy between the positive and the moral law is treacherous. The exclusion of motive justifiable in law may take all meaning out of morality. The Utilitarians, as we shall see, were too much disposed to overlook the difference, and attempt to apply purely legal doctrine in the totally uncongenial sphere of ethical speculation. To accept the legal classification of actions by their external characteristics is, in fact, to beg the question in advance Any outward criterion must group together actions springing from different 'motives' and therefore, as other moralists would say, ethically different.

There is, however, another meaning in this doctrine which is more to the purpose here. Bentham was aiming at a principle which, true or false, is implied in all ethical systems based upon experience instead of pure logic or *a priori* 'intuitions.' Such systems must accept human nature as a fact, and as the basis of a scientific theory. They do not aim at creating angels but at developing the existing constitution of mankind. So far as an action springs from one of the primitive or essential instincts of mankind, it simply proves the agent to be human, not to be vicious or virtuous, and

therefore is no ground for any moral judgment. If Bentham's analysis could be accepted, this would be true of his 'springs of action.' The natural appetites have not in themselves a moral quality: they are simply necessary and original data in the problem. The perplexity is introduced by Bentham's assumption that conduct can be analysed so that the 'motive' is a separate entity which can be regarded as the sole cause of a corresponding action. That involves an irrelevant abstraction. There is no such thing as a single 'motive.' One of his cases is a mother who lets her child die for love of 'ease.' We do not condemn her because she loves ease, which is a motive common to all men and therefore unmoral, not immoral. But neither do we condemn her merely for the bad consequences of a particular action. We condemn her because she loves ease better than she loves her child: that is, because her whole character is 'unnatural' or ill-balanced, not on account of a particular element taken by itself. Morality is concerned with concrete human beings, and not with 'motives' running about by themselves. Bentham's meaning, if we make the necessary correction, would thus be expressed by saying that we don't blame a man because he has the 'natural' passions, but because they are somehow wrongly proportioned or the man himself wrongly constituted. Passions which may make a man vicious may also be essential to the highest virtue. That is quite true; but the passion is not a separate agent, only one constituent of the character.

Bentham admits this in his own fashion. If 'motives' cannot be properly called good or bad, is there, he asks, nothing good or bad in the man who on a given occasion

obeys a certain motive? 'Yes, certainly,' he replies, 'his disposition.'[1] The disposition, he adds, is a 'fictitious entity, and designed for the convenience of discourse in order to express what there is supposed to be permanent in a man's frame of mind.' By 'fictitious,' as we have seen, he means not 'unreal' but simply not tangible, weighable, or measurable—like sticks and stones, or like pains and pleasures. 'Fictitious' as they may be, therefore, the fiction enables us to express real truths, and to state facts which are of the highest importance to the moralist and the legislator. Bentham discusses some cases of casuistry in order to show the relation between the tendency of an action and the intention and motives of the agent. Ravaillac murders a good king; Ravaillac's son enables his father to escape punishment, or conveys poison to his father to enable him to avoid torture by suicide.[2] What is the inference as to the son's disposition in either case? The solution (as he substantially and, I think, rightly suggests) will have to be reached by considering whether the facts indicate that the son's disposition was mischievous or otherwise; whether it indicates political disloyalty or filial affection, and so forth, and in what proportions. The most interesting case perhaps is that of religious persecution, where the religious motive is taken to be good, and the action to which it leads is yet admitted to be mischievous. The problem is often puzzling, but we are virtually making an inference as to the goodness or badness of the 'disposition' implied by the given action under all the supposed circumstances. This gives what Bentham calls the 'meritoriousness'[3] of the disposition. The 'intention' is

[1] *Works* ('Morals and Legislation'), i. 60. [2] *Ibid.* i. 62. [3] *Ibid.* i. 65.

caused by the 'motive.' The 'disposition' is the 'sum of the intentions'; that is to say, it expresses the agent's sensibility to various classes of motives; and the merit therefore will be in proportion to the total goodness or badness of the disposition thus indicated. The question of merit leads to interesting moral problems. Bentham, however, observes that he is not here speaking from the point of view of the moralist but of the legislator. Still, as a legislator he has to consider what is the 'depravity' of disposition indicated by different kinds of conduct. This consideration is of great importance. The 'disposition' includes sensibility to what he calls 'tutelary motives'—motives, that is, which deter a man from such conduct as generally produces mischievous consequences. No motive can be invariably, though some, especially the motive of goodwill, and in a minor degree those of 'amity' and a 'love of reputation,' are generally, on the right side. The legislator has to reinforce these 'tutelary motives' by 'artificial tutelary motives,' and mainly by appealing to the 'love of ease,' that is, by making mischievous conduct more difficult, and to 'self-preservation,' that is, by making it more dangerous.[1] He has therefore to measure the force by which these motives will be opposed; or, in other words, the 'strength of the temptation.' Now the more depraved a man's disposition, the weaker the temptation which will seduce him to crime. Consequently if an act shows depravity, it will require a stronger counter-motive or a more severe punishment, as the disposition indicated is more mischievous. An act, for example, which implies deliberation proves a greater insensibility to these social

[1] These are the two classes of 'springs of action' omitted in the *Table*.

motives which, as Bentham remarks,[1] determine the 'general tenor of a man's life,' however depraved he may be. The legislator is guided solely by 'utility,' or aims at maximising happiness without reference to its quality. Still, so far as action implies disposition, he has to consider the depravity as a source of mischief. The legislator who looks solely at the moral quality implied is wrong; and, if guided solely by his sympathies, has no measure for the amount of punishment to be inflicted. These considerations will enable us to see what is the proper measure of resentment.[2]

The doctrine of the neutrality or 'unmorality' of motive is thus sufficiently clear. Bentham's whole aim is to urge that the criterion of morality is given by the consequences of actions. To say the conduct is good or bad is to say in other words that it produces a balance of pleasure or pain. To make the criterion independent, or escape the vicious circle, we must admit the pleasures and pains to be in themselves neutral; to have, that is, the same value, if equally strong, whatever their source. In our final balance-sheet we must set down pains of ill-will and of goodwill, of sense and of intellect with absolute impartiality, and compare them simply in respect

[1] *Works* ('Morals and Legislation'), i. 68.

[2] Here Bentham lays down the rule that punishment should rise with the strength of the temptation, a theory which leads to some curious casuistical problems. He does not fully discuss, and I cannot here consider, them. I will only note that it may conceivably be necessary to increase the severity of punishment, instead of removing the temptation or strengthening the preventive action. If so, the law becomes immoral in the sense of punishing more severely as the crime has more moral excuse. This was often true of the old criminal law, which punished offences cruelly because it had no effective system of police. Bentham would of course have agreed that the principle in this case was a bad one.

of intensity. We must not admit a 'conscience' or 'moral sense' which would be autocratic; nor, indeed, allow moral to have any meaning as applied to the separate passions. But it is quite consistent with this to admit that some motives, goodwill in particular, generally tend to bring out the desirable result, that is, a balance of pleasure for the greatest number. The pains and pleasures are, the ultimate facts, and the 'disposition' is a 'fictitious entity' or a name for the sum of sensibilities. It represents the fact that some men are more inclined than others to increase the total of good or bad.

IV. CRIMINAL LAW

We have now, after a long analysis, reached the point at which the principles can be applied to penal law. The legislator has to discourage certain classes of conduct by annexing 'tutelary motives.' The classes to be suppressed are of course those which diminish happiness. Pursuing the same method, and applying results already reached, we must in the first place consider how the 'mischief of an act' is to be measured.[1] Acts are mischievous as their 'consequences' are mischievous; and the consequences may be 'primary' or 'secondary.' Robbery causes pain to the loser of the money. That is a primary evil. It alarms the holders of money; it suggests the facility of robbery to others; and it weakens the 'tutelary motive' of respect for property. These are secondary evils. The 'secondary' evil may be at times the most important. The non-payment of a tax may do no

[1] *Morals and Legislation*, ch. xii.

appreciable harm in a particular case. But its secondary effects in injuring the whole political 'fabric' may be disastrous and fruitful beyond calculation. Bentham proceeds to show carefully how the 'intentions' and 'motives' of the evil-doer are of the greatest importance, especially in determining these secondary consequences, and must therefore be taken into account by the legislator. A homicide may cause the same primary evil, whether accidental or malignant; but accidental homicide may cause no alarm, whereas the intentional and malignant homicide may cause any quantity of alarm and shock to the general sense of security. In this way, therefore, the legislator has again indirectly to take into account the moral quality which is itself dependent upon utility.

I must, however, pass lightly over a very clear and interesting discussion to reach a further point of primary importance to the Utilitarian theory, as to the distinction between the moral and legal spheres.[1] Bentham has now 'made an analysis of evil.' He has, that is, classified the mischiefs produced by conduct, measured simply by their effect upon pleasures or pains, independently of any consideration as to virtue and vice. The next problem is: what conduct should be criminal?—a subject which is virtually discussed in two chapters (xv. and xix.) 'on cases unmeet for punishment' and on 'the limits between Private Ethics and the act of legislation.' We must, of course, follow the one clue to the labyrinth. We must count all the 'lots' of pain and pleasure indifferently. It is clear, on the one hand, that the pains suffered by criminals are far less than the pains which would be

[1] *Morals and Legislation*, ch. xiv. (a chapter inserted from Dumont's *Traités*).

suffered were no such sanctions applied. On the other hand, all punishment is an evil, because punishment means pain, and it is therefore only to be inflicted when it excludes greater pain. It must, therefore, not be inflicted when it is 'groundless,' 'inefficacious,' 'unprofitable,' or 'needless.' 'Needless' includes all the cases in which the end may be attained 'as effectually at a cheaper rate.'[1] This applies to all 'dissemination of pernicious principles'; for in this case reason and not force is the appropriate remedy. The sword inflicts more pain, and is less efficient than the pen. The argument raises the wider question, What are the true limits of legislative interference? Bentham, in his last chapter, endeavours to answer this problem. 'Private ethics,' he says, and 'legislation' aim at the same end, namely, happiness, and the 'acts with which they are conversant are *in great measure* the same.' Why, then, should they have different spheres? Simply because the acts 'are not *perfectly and throughout* the same.'[2] How, then, are we to draw the line? By following the invariable clue of 'utility.' We simply have to apply an analysis to determine the cases in which punishment does more harm than good. He insists especially upon the cases in which punishment is 'unprofitable'; upon such offences as drunkenness and sexual immorality, where the law could only be enforced by a mischievous or impossible system of minute supervision, and such offences as ingratitude or rudeness, where the definition is so vague that the judge could not safely be entrusted with the power to punish.'[3] He endeavours to give a rather more precise distinction by

[1] *Works* ('Morals and Legislation'), i. p. 86.
[2] *Ibid.* i. 144.
[3] *Ibid.* i. 145.

sub-dividing 'ethics in general' into three classes. Duty may be to oneself, that is 'prudence'; or to one's neighbour negatively, that is 'probity'; or to one's neighbour positively, that is 'benevolence.'[1] Duties of the first class must be left chiefly to the individual, because he is the best judge of his own interest. Duties of the third class again are generally too vague to be enforced by the legislator, though a man ought perhaps to be punished for failing to help as well as for actually injuring. The second department of ethics, that of 'probity,' is the main field for legislative activity.[2] As a general principle, 'private ethics' teach a man how to pursue his own happiness, and the art of legislation how to pursue the greatest happiness of the community. It must be noticed, for the point is one of importance, that Bentham's purely empirical method draws no definite line. It implies that no definite line can be drawn. It does not suggest that any kind of conduct whatever is outside the proper province of legislator except in so far as the legislative machinery may happen to be inadequate or inappropriate.

Our analysis has now been carried so far that we can proceed to consider the principles by which we should be guided in punishing. What are the desirable properties of a 'lot of punishment'? This occupies two interesting chapters. Chapter xvi., 'on the proportion between punishments and offences,' gives twelve rules. The punishment, he urges, must outweigh the profit of the offence; it must be such as to make a man prefer a less offence to a greater—simple theft, for example, to violent robbery; it must be such that the punishment must be

[1] *Works* ('Morals and Legislation'), i. 143. [2] *Ibid.* i. 147-48.

adaptable to the varying sensibility of the offender; it must be greater in 'value' as it falls short of certainty; and, when the offence indicates a habit, it must outweigh not only the profit of the particular offence, but of the undetected offences. In chapter xvii. Bentham considers the properties which fit a punishment to fulfil these conditions. Eleven properties are given. The punishment must be (1) 'variable,' that is, capable of adjustment to particular cases; and (2) equable, or inflicting equal pain by equal sentences. Thus the 'proportion' between punishment and crimes of a given class can be secured. In order that the punishments of different classes of crime may be proportional, the punishments should (3) be commensurable. To make punishments efficacious they should be (4) 'characteristical' or impressive to the imagination; and that they may not be excessive they should be (5) exemplary or likely to impress others, and (6) frugal. To secure minor ends they should be (7) reformatory; (8) disabling, *i.e.* from future offences; and (9) compensatory to the sufferer. Finally, to avoid collateral disadvantages they should be (10) popular, and (11) remittable. A twelfth property, simplicity, was added in Dumont's redaction. Dumont calls attention here to the value of Bentham's method.[1] Montesquieu and Beccaria had spoken in general terms of the desirable qualities of punishment. They had spoken of 'proportionality,' for example, but without that precise or definite meaning which appears in Bentham's Calculus. In fact, Bentham's statement, compared to the vaguer utterances of his predecessors, but still more when compared to the haphazard brutalities and inconsistencies of

[1] *Works* ('Morals and Legislation'), i. 406 *n.*

English criminal law, gives the best impression of the value of his method.

Bentham's next step is an elaborate classification of offences, worked out by a further application of his bifurcatory method.[1] This would form the groundwork of the projected code. I cannot, however, speak of this classification, or of many interesting remarks contained in the *Principles of Penal Law*, where some further details are considered. An analysis scarcely does justice to Bentham, for it has to omit his illustrations and his flashes of real vivacity. The mere dry logical framework is not appetising. I have gone so far in order to illustrate the characteristic of Bentham's teaching. It was not the bare appeal to utility, but the attempt to follow the clue of utility systematically and unflinchingly into every part of the subject. This one doctrine gives the touchstone by which every proposed measure is to be tested; and which will give to his system not such unity as arises from the development of an abstract logical principle, but such as is introduced into the physical sciences when we are able to range all the indefinitely complex phenomena which arise under some simple law of force. If Bentham's aim could have been achieved, 'utility' would have been in legislative theories what gravitation is in astronomical theories. All human conduct being ruled by pain and pleasure, we could compare all motives and actions, and trace out the consequences of any given law. I shall have hereafter to consider how this conception worked in different minds and was applied to different problems: what were the tenable results to which it led, and what

[1] *Works* ('Morals and Legislation,') i. 96 *n.*

were the errors caused by the implied oversight of some essential considerations.

Certain weaknesses are almost too obvious to be specified. He claimed to be constructing a science, comparable to the physical sciences. The attempt was obviously chimerical if we are to take it seriously. The makeshift doctrine which he substitutes for psychology would be a sufficient proof of the incapacity for his task. He had probably not read such writers as Hartley or Condillac, who might have suggested some ostensibly systematic theory. If he had little psychology he had not even a conception of 'sociology.' The 'felicific calculus' is enough to show the inadequacy of his method. The purpose is to enable us to calculate the effects of a proposed law. You propose to send robbers to the gallows or the gaol. You must, says Bentham, reckon up all the evils prevented: the suffering to the robbed, and to those who expect to be robbed, on the one hand; and, on the other, the evils caused, the suffering to the robber, and to the tax-payer who keeps the constable; then strike your balance and make your law if the evils prevented exceed the evils caused. Some such calculation is demanded by plain common sense. It points to the line of inquiry desirable. But can it be adequate? To estimate the utility of a law we must take into account all its 'effects.' What are the 'effects' of a law against robbery? They are all that is implied in the security of property. They correspond to the difference between England in the eighteenth century and England in the time of Hengist and Horsa; between a country where the supremacy of law is established, and a country still under the rule of the

strong hand. Bentham's method may be applicable at a given moment, when the social structure is already consolidated and uniform. It would represent the practical arguments for establishing the police-force demanded by Colquhoun, and show the disadvantages of the old constables and watchmen. Bentham, that is, gives an admirable method for settling details of administrative and legislative machinery, and dealing with particular cases when once the main principles of law and order are established. Those principles, too, may depend upon 'utility,' but utility must be taken in a wider sense when we have to deal with the fundamental questions. We must consider the 'utility' of the whole organisation, not the fitness of separate details. Finally, if Bentham is weak in psychology and in sociology, he is clearly not satisfactory in ethics. Morality is, according to him, on the same plane with law. The difference is not in the sphere to which they apply, or in the end to which they are directed; but solely in the 'sanction.' The legislator uses threats of physical suffering; the moralist threats of 'popular' disapproval. Either 'sanction' may be most applicable to a given case; but the question is merely between different means to the same end under varying conditions. This implies the 'external' character of Bentham's morality, and explains his insistence upon the neutrality of motives. He takes the average man to be a compound of certain instincts, and merely seeks to regulate their action by supplying 'artificial tutelary motives.' The 'man' is given; the play of his instincts, separately neutral, makes his conduct more or less favourable to general happiness; and the moralist and the legislator have both to correct

his deviations by supplying appropriate 'sanctions.' Bentham, therefore, is inclined to ignore the intrinsic character of morality, or the dependence of a man's morality upon the essential structure of his nature. He thinks of the superficial play of forces, not of their intimate constitution. The man is not to be changed in either case; only his circumstances. Such defects no doubt diminish the value of Bentham's work. Yet, after all, in his own sphere they are trifles. He did very well without philosophy. However imperfect his system might be considered as a science or an ultimate explanation of society and human nature, it was very much to the point as an expression of downright common-sense. Dumont's eulogy seems to be fully deserved, when we contrast Bentham's theory of punishment with the theories (if they deserve the name) of contemporary legislators. His method involved a thoroughgoing examination of the whole body of laws, and a resolution to apply a searching test to every law. If that test was not so unequivocal or ultimate as he fancied, it yet implied the constant application of such considerations as must always carry weight, and, perhaps, be always the dominant considerations, with the actual legislator or jurist. What is the use of you? is a question which may fairly be put to every institution and to every law; and it concerns legislators to find some answer, even though the meaning of the word 'use' is not so clear as we could wish.

V. ENGLISH LAW

The practical value of Bentham's method is perhaps best illustrated by his *Rationale of Evidence*. The composition of the papers ultimately put together by

J. S. Mill had occupied Bentham from 1802 to 1812. The changed style is significant. Nobody could write more pointedly, or with happier illustrations, than Bentham in his earlier years. He afterwards came to think that a didactic treatise should sacrifice every other virtue to fulness and precision. To make a sentence precise, every qualifying clause must be somehow forced into the original formula. Still more characteristic is his application of what he calls the 'substantive-preferring principle.'[1] He would rather say, 'I give extension to an object,' than 'I extend an object.' Where a substantive is employed, the idea is 'stationed upon a rock'; if only a verb, the idea is 'like a leaf floating on a stream.' A verb, he said,[2] 'slips through your fingers like an eel.' The principle corresponds to his 'metaphysics.' The universe of thought is made up of a number of separate 'entities' corresponding to nouns-substantive, and when these bundles are distinctly isolated by appropriate nouns, the process of arranging and codifying according to the simple relations indicated by the copula is greatly facilitated. The ideal language would resemble algebra, in which symbols, each representing a given numerical value, are connected by the smallest possible number of symbols of operation, +, –, =, and so forth. To set two such statements side by side, or to modify them by inserting different constants, is then a comparatively easy process, capable of being regulated by simple general rules. Bentham's style becomes tiresome, and was often improperly called obscure. It requires attention, but the meaning is never

[1] *Works*, iii. 267. [2] *Ibid.* x. 569

doubtful—and to the end we have frequent flashes of the old vivacity.

The *Rationale of Evidence*, as Mill remarks,[1] is 'one of the richest in matter of all Bentham's productions.' It contains, too, many passages in Bentham's earlier style, judiciously preserved by his young editor; indeed, so many that I am tempted even to call the book amusing. In spite of the wearisome effort to say everything, and to force language into the mould presented by his theory, Bentham attracts us by his obvious sincerity. The arguments may be unsatisfactory, but they are genuine arguments. They represent conviction; they are given because they have convinced; and no reader can deny that they really tend to convince. We may complain that there are too many words, and that the sentences are cumbrous; but the substance is always to the point. The main purpose may be very briefly indicated. Bentham begins by general considerations upon evidence, in which he and his youthful editor indicate their general adherence to the doctrines of Hume.[2] This leads to an application of the methods expounded in the 'Introduction,' in order to show how the various motives or 'springs of action' and the 'sanctions' based upon them may affect the trustworthiness of evidence. Any motive whatever may incidentally cause 'mendacity.' The second book, therefore, considers what securities may be taken for 'securing trustworthiness.' We have, for example, a discussion of the value of oaths (he thinks them valueless), of the advantages and disadvantages of re-

[1] *Autobiography*, p. 116.

[2] The subject is again treated in Book v. on 'Circumstantial Evidence.'

ducing evidence to writing, of interrogating witnesses, and of the publicity or privacy of evidence. Book iii. deals with the 'extraction of evidence.' We have to compare the relative advantages of oral and written evidence, the rules for cross-examining witnesses and for taking evidence as to their character. Book iv. deals with 'pre-appointed evidence,' the cases, that is, in which events are recorded at the time of occurrence with a view to their subsequent use as evidence. We have under this head to consider the formalities which should be required in regard to contracts and wills; and the mode of recording judicial and other official decisions and registering births, deaths, and marriages. In Books v. and vi. we consider two kinds of evidence which is in one way or other of inferior cogency, namely, 'circumstantial evidence,' in which the evidence if accepted still leaves room for a process of more or less doubtful inference; and 'makeshift evidence,' such evidence as must sometimes be accepted for want of the best, of which the most conspicuous instance is 'hearsay evidence.' Book vii. deals with the 'authentication' of evidence. Book viii. is a consideration of the 'technical' system, that namely which was accepted by English lawyers; and finally Book ix. deals with a special point, namely, the exclusion of evidence. Bentham announces at starting[1] that he shall establish 'one theorem' and consider two problems. The problems are: 'what securities can be taken for the truth of evidence?' and 'what rules can be given for estimating the value of evidence?' The 'theorem' is that no evidence should be excluded with the pro-

[1] *Works*, vi. 204.

fessed intention of obtaining a right decision; though some must be excluded to avoid expense, vexation, and delay. This, therefore, as his most distinct moral, is fully treated in the last book.

Had Bentham confined himself to a pithy statement of his leading doctrines, and confirmed them by a few typical cases, he would have been more effective in a literary sense. His passion for 'codification,' for tabulating and arranging facts in all their complexity, and for applying his doctrine at full length to every case that he can imagine, makes him terribly prolix. On the other hand, this process no doubt strengthened his own conviction and the conviction of his disciples as to the value of his process. Follow this clue of utility throughout the whole labyrinth, see what a clear answer it offers at every point, and you cannot doubt that you are in possession of the true compass for such a navigation. Indeed, it seems to be indisputable that Bentham's arguments are the really relevant and important arguments. How can we decide any of the points which come up for discussion? Should a witness be cross-examined? Should his evidence be recorded? Should a wife be allowed to give evidence against her husband? or the defendant to give evidence about his own case? These and innumerable other points can only be decided by reference to what Bentham understood by 'utility.' This or that arrangement is 'useful' because it enables us to get quickly and easily at the evidence, to take effective securities for its truthfulness, to estimate its relevance and importance, to leave the decision to the most qualified persons, and so forth. These points, again, can only be decided by a careful appeal to experi-

ence, and by endeavouring to understand the ordinary play of 'motives' and 'sanctions.' What generally makes a man lie, and how is lying to be made unpleasant? By rigorously fixing our minds at every point on such issues, we find that many questions admit of very plain answers, and are surprised to discover what a mass of obscurity has been dispelled. It is, however, true that although the value of the method can hardly be denied unless we deny the value of all experience and common sense, we may dispute the degree in which it confirms the general principle. Every step seems to Bentham to reflect additional light upon his primary axiom. Yet it is possible to hold that witnesses should be encouraged to speak the truth, and that experience may help us to discover the best means to that end without, therefore, admitting the unique validity of the 'greatest happiness' principle. That principle, so far as true, may be itself a deduction from some higher principle; and no philosopher of any school would deny that 'utility' should be in some way consulted by the legislator.

The book illustrates the next critical point in Bentham's system—the transition from law to politics. He was writing the book at the period when the failure of the Panopticon was calling his attention to the wickedness of George III. and Lord Eldon, and when the English demand for parliamentary reform was reviving and supplying him with a sympathetic audience. Now, in examining the theory of evidence upon the plan described, Bentham found himself at every stage in conflict with the existing system, or rather the existing chaos of unintelligible rules. English lawyers, he discovered, had worked out a system of rules for excluding evidence.

Sometimes the cause was pure indolence. 'This man, were I to hear him,' says the English judge, 'would come out with a parcel of lies. It would be a plague to hear him: I have heard enough already; shut the door in his face.'[1] But, as Bentham shows with elaborate detail, a reason for suspecting evidence is not a reason for excluding it. A convicted perjurer gives evidence, and has a pecuniary interest in the result. That is excellent ground for caution; but the fact that the man makes a certain statement may still be a help to the ascertainment of truth. Why should that help be rejected? Bentham scarcely admits of any exception to the general rule of taking any evidence you can get—one exception being the rather curious one of confession to a Catholic priest; secrecy in such cases is on the whole, he thinks, useful. He exposes the confusion implied in an exclusion of evidence because it is not fully trustworthy, which is equivalent to working in the dark because a partial light may deceive. But this is only a part of a whole system of arbitrary, inconsistent, and technical rules worked out by the ingenuity of lawyers. Besides the direct injury they gave endless opportunity for skilful manœuvring to exclude or admit evidence by adopting different forms of procedure. Rules had been made by judges as they were wanted and precedents established of contradictory tendency and uncertain application. Bentham contrasts the simplicity of the rules deducible from 'utility' with the amazing complexity of the traditional code of technical rules. Under the 'natural' system, that of utility, you have to deal with a quarrel between your servants or children. You

[1] *Works*, vii. 391.

send at once for the disputants, confront them, take any relevant evidence, and make up your mind as to the rights of the dispute. In certain cases this 'natural' procedure has been retained, as, for example, in courts-martial, where rapid decision was necessary. Had the technical system prevailed, the country would have been ruined in six weeks.[1] But the exposure of the technical system requires an elaborate display of intricate methods involving at every step vexation, delay, and injustice. Bentham reckons up nineteen separate devices employed by the courts. He describes the elaborate processes which had to be gone through before a hearing could be obtained; the distance of courts from the litigants; the bandying of cases from court to court; the chicaneries about giving notice; the frequent nullification of all that had been done on account of some technical flaw; the unintelligible jargon of Latin and Law-French which veiled the proceedings from the public; the elaborate mysteries of 'special pleading'; the conflict of jurisdictions, and the manufacture of new 'pleas' and new technical rules; the 'entanglement of jurisdictions,' and especially the distinction between law and equity, which had made confusion doubly confounded. English law had become a mere jungle of unintelligible distinctions, contradictions, and cumbrous methods through which no man could find his way without the guidance of the initiated, and in which a long purse and unscrupulous trickery gave the advantage over the poor to the rich, and to the knave over the honest man. One fruitful source of all these evils was the 'judge-made' law, which Bentham henceforth never ceased to denounce. His

[1] *Works*, vii. 321-25. Court-martials are hardly a happy example now.

ideal was a distinct code which, when change was required, should be changed by an avowed and intelligible process. The chaos which had grown up was the natural result of the gradual development of a traditional body of law, in which new cases were met under cover of applying precedents from previous decisions, with the help of reference to the vague body of unwritten or 'common law,' and of legal fictions permitting some non-natural interpretation of the old formulæ. It is the judges, he had already said in 1792,[1] 'that make the common law. Do you know how they make it? Just as a man makes laws for his dog. When your dog does anything you want to break him of, you wait till he does it and then beat him. This is the way you make laws for your dog, and this is the way the judges make laws for you and me.' The 'tyranny of judge-made law' is 'the most all-comprehensive, most grinding, and most crying of all grievances,'[2] and is scarcely less bad than 'priest-made religion.'[3] Legal fictions, according to him, are simply lies. The permission to use them is a 'mendacity licence.' In 'Rome-bred law . . . fiction' is a 'wart which here and there disfigures the face of justice. In English law fiction is a syphilis which runs into every vein and carries into every part of the system the principle of rottenness.'[4]

The evils denounced by Bentham were monstrous. The completeness of the exposure was his great merit; and his reputation has suffered, as we are told on competent authority, by the very efficiency of his attack. The worst evils are so much things of the past, that we

[1] 'Truth *v.* Ashhurst' (1792), *Works*, v. 235.
[2] *Works* ('Codification Petition'), v. 442 [3] *Ibid.* vi. 11. [4] *Ibid.* v. 92.

forget the extent of the evil and the merits of its assailant. Bentham's diagnosis of the evil explains his later attitude. He attributes all the abuses to consciously corrupt motives even where a sufficient explanation can be found in the human stupidity and honest incapacity to look outside of traditional ways of thought. He admits, indeed, the personal purity of English judges. No English judge had ever received a bribe within living memory.[1] But this, he urges, is only because the judges find it more profitable as well as safer to carry out a radically corrupt system. A synonym for 'technical' is 'fee-gathering.' Lawyers of all classes had a common interest in multiplying suits and complicating procedure: and thus a tacit partnership had grown up which he describes as 'Judge and Co.' He gives statistics showing that in the year 1797 five hundred and forty-three out of five hundred and fifty 'writs of error' were 'shams,' or simply vexatious contrivances for delay, and brought a profit to the Chief Justice of over £1400.[2] Lord Eldon was always before him as the typical representative of obstruction and obscurantism. In his *Indications respecting Lord Eldon* (1825) he goes into details which it must have required some courage to publish. Under Eldon, he says, 'equity has become an instrument of fraud and extortion.'[3] He details the proceedings by which Eldon obtained the sanction of parliament for a system of fee-taking, which he had admitted to be illegal, and which had been denounced by an eminent solicitor as leading to gross corruption. Bentham intimates that the Masters in Chancery were 'swindlers,'[4] and that Eldon was

[1] *Works*, vii. 204, 331; ix. 143.
[2] *Ibid.* vii. 214.
[3] *Ibid.* v. 349.
[4] *Ibid* v. 364.

knowingly the protector and sharer of their profits. Romilly, who had called the Court of Chancery 'a disgrace to a civilised nation,' had said that Eldon was the cause of many of the abuses, and could have reformed most of the others. Erskine had declared that if there was a hell, the Court of Chancery was hell.[1] Eldon, as Bentham himself thought, was worse than Jeffreys. Eldon's victims had died a lingering death, and the persecutor had made money out of their sufferings. Jeffreys was openly brutal; while Eldon covered his tyranny under the 'most accomplished indifference.'[2]

Yet Eldon was but the head of a band. Judges, barristers, and solicitors were alike. The most hopeless of reforms would be to raise a 'thorough-paced English lawyer' to the moral level of an average man.[3] To attack legal abuses was to attack a class combined under its chiefs, capable of hoodwinking parliament and suppressing open criticism. The slave-traders whom Wilberforce attacked were comparatively a powerless excrescence. The legal profession was in the closest relations to the monarchy, the aristocracy, and the whole privileged and wealthy class. They were welded into a solid 'ring.' The king, and his ministers who distributed places and pensions; the borough-mongers who sold votes for power; the clergy who looked for bishoprics; the monied men who aspired to rank and power, were all parts of a league. It was easy enough to talk of law reform. Romilly had proposed and even carried a 'reformatiuncle' or two;[4] but to achieve a serious success required not victory in a skirmish or two, not the exposure of some abuse too palpable to be openly

[1] *Works*, v. 371. [2] *Ibid.* v. 375. [3] *Ibid.* vii. 188. [4] *Ibid.* v. 370.

defended even by an Eldon, but a prolonged war against an organised army fortified and entrenched in the very heart of the country.

VI. RADICALISM

Thus Bentham, as his eyes were opened, became a Radical. The political purpose became dominant, although we always see that the legal abuses are uppermost in his mind; and that what he really seeks is a fulcrum for the machinery which is to overthrow Lord Eldon. Some of the pamphlets deal directly with the special instruments of corruption. The *Elements of the Art of Packing* shows how the crown managed to have a permanent body of special 'jurors' at its disposal. The 'grand and paramount use'[1] of this system was to crush the liberty of the press. The obscure law of libel, worked by judges in the interest of the government, enabled them to punish any rash Radical for 'hurting the feelings' of the ruling classes, and to evade responsibility by help of a 'covertly pensioned' and servile jury. The pamphlet, though tiresomely minute and long-winded, contained too much pointed truth to be published at the time. The *Official Aptitude minimised* contains a series of attacks upon the system of patronage and pensions by which the machinery of government was practically worked. In the *Catechism* of reformers, written in 1809, Bentham began the direct application of his theories to the constitution; and the final and most elaborate exposition of these forms the *Constitutional Code*, which was the main work of his later years. This

[1] *Works*, v. 97, etc.

book excited the warmest admiration of Bentham's disciples.[1] J. S. Mill speaks of its 'extraordinary power . . . of at once seizing comprehensive principles and scheming out minute details,' and of its 'surpassing intellectual vigour.' Nor, indeed, will any one be disposed to deny that it is a singular proof of intellectual activity, when we remember that it was begun when the author was over seventy, and that he was still working at eighty-four.[2] In this book Bentham's peculiarities of style reach their highest development, and it cannot be recommended as light reading. Had Bentham been a mystical philosopher, he would, we may conjecture, have achieved a masterpiece of unintelligibility which all his followers would have extolled as containing the very essence of his teaching. His method condemned him to be always intelligible, however crabbed and elaborate. Perhaps, however, the point which strikes one most is the amazing simple-mindedness of the whole proceeding. Bentham's light-hearted indifference to the distinction between paper constitutions and operative rules of conduct becomes almost pathetic.

Bentham was clearly the victim of a common delusion. If a system will work, the minutest details can be exhibited. Therefore, it is inferred, an exhibition of minute detail proves that it will work. Unfortunately, the philosophers of Laputa would have had no more difficulty in filling up details than the legislators of England or the United States. When Bentham had settled in his 'Radical

[1] See preface to *Constitutional Code* in vol. ix.

[2] Bentham's nephew, George, who died when approaching his eighty-fourth birthday, devoted the last twenty-five years of his life with equal assiduity to his *Genera Plantarum*. See a curious anecdote of his persistence in the *Dictionary of National Biography.*

Reform Bill'[1] that the 'voting-box' was to be a double cube of cast-iron, with a slit in the lid, into which cards two inches by one, white on one side and black on the other, could be inserted, he must have felt that he had got very near to actual application: he can picture the whole operation and nobody can say that the scheme is impracticable for want of working plans of the machinery. There will, doubtless, be no difficulty in settling the shape of the boxes, when we have once agreed to have the ballot. But a discussion of such remote details of Utopia is of incomparably less real interest than the discussion in the *Rationale of Evidence* of points, which, however minute, were occurring every day, and which were really in urgent need of the light of common-sense.

Bentham's general principles may be very simply stated. They are, in fact, such as were suggested by his view of legal grievances. Why, when he had demonstrated that certain measures would contribute to the 'greatest happiness of the greatest number,' were they not at once adopted? Because the rulers did not desire the greatest happiness of the greatest number. This, in Bentham's language, is to say that they were governed by a 'sinister interest.' Their interest was that of their class, not that of the nation; they aimed at the greatest happiness of some, not at the greatest happiness of all. A generalisation of this remark gives us the first axioms of all government. There are two primary principles: the 'self-preference' principle, in virtue of which every man always desires his own greatest happiness'; and the 'greatest happiness' principle, in virtue of which 'the right and proper end' of government is the 'greatest happiness of

[1] *Works*, iii. 573.

the greatest number.'[1] The 'actual end' of every government, again, is the greatest happiness of the governors. Hence the whole problem is to produce a coincidence of the two ends, by securing an identity of interest between governors and governed. To secure that we have only to identify the two classes or to put the government in the hands of all.[2] In a monarchy, the ruler aims at the interest of one—himself; in a 'limited monarchy' the aim is at the happiness of the king and the small privileged class; in a democracy, the end is the right one—the greatest happiness of the greatest number. This is a short cut to all constitutional questions. Probably it has occurred in substance to most youthful members of debating societies. Bentham's confidence in his logic lifts him above any appeal to experience; and he occasionally reminds us of the proof given in *Martin Chuzzlewit* that the queen must live in the Tower of London. The 'monarch,' as he observes,[3] 'is naturally the very worst—the most maleficent member of the whole community.' Wherever an aristocracy differs from the democracy, their judgment will be erroneous.[4] The people will naturally choose 'morally apt agents,' and men who wish to be chosen will desire truly to become 'morally apt,' for they can only recommend themselves by showing their desire to serve the general interest.[5] 'All experience testifies to this theory,' though the evidence is 'too bulky' to be given. Other proofs,

[1] *Works*, ix. 5, 8.

[2] The theory, as Mill reminds us, had been very pointedly anticipated by Helvétius. Bentham's practical experience, however, had forced it upon his attention.

[3] *Works*, ix. 141. The general principle, however, is confirmed by the case of George III.

[4] *Ibid.* ix. 45.

[5] *Ibid.* ix. 98.

however, may at once be rendered superfluous by appealing to 'the uninterrupted and most notorious experience of the United States.'[1] To that happy country he often appeals indeed[2] as a model government. In it, there is no corruption, no useless expenditure, none of the evils illustrated by our 'matchless constitution.'

The constitution deduced from these principles has at least the merit of simplicity. We are to have universal suffrage, annual parliaments, and vote by ballot. He inclines to give a vote to women.[3] There is to be no king, no house of peers, no established church. Members of parliament are not to be re-eligible, till after an interval. Elaborate rules provide for their regular attendance and exclusive devotion to their masters' business. They are to be simply 'deputies,' not 'representatives.' They elect a prime minister who holds office for four years. Officials are to be appointed by a complex plan of competitive examination; and they are to be invited to send in tenders for doing the work at diminished salary. When once in office, every care is taken for their continual inspection by the public and the verification of their accounts. They are never for an instant to forget that they are servants, not the masters, of the public.

Bentham, of course, is especially minute and careful in regard to the judicial organisation—a subject upon which he wrote much, and much to the purpose. The functions and fees of advocates are to be narrowly restricted, and advocates to be provided gratuitously for the poor. They are not to become judges: to make a barrister a judge is as sensible as it would be to select

[1] *Works*, ix. 98. [2] e.g. *Ibid.* ix. 38, 50, 63, 99, etc.
[3] *Ibid.* ('Plan of Parliamentary Reform,') iii. 463.

a procuress for mistress of a girls' school.[1] Judges should be everywhere accessible: always on duty, too busy to have time for corruption, and always under public supervision. One characteristic device is his quasi-jury. The English system of requiring unanimity was equivalent to enforcing perjury by torture. Its utility as a means of resisting tyranny would disappear when tyranny had become impossible. But public opinion might be usefully represented by a 'quasi-jury' of three or five, who should not pronounce a verdict, but watch the judge, interrogate, if necessary, and in case of need demand a rehearing. Judges, of course, were no longer to make law, but to propose amendments in the 'Pannomion' or universal code, when new cases arose.

His leading principle may be described in one word as 'responsibility,' or expressed in his leading rule, 'Minimise Confidence.'[2] 'All government is in itself one vast evil.'[3] It consists in applying evil to exclude worse evil. Even 'to reward is to punish,'[4] when reward is given by government. The less government, then, the better; but as governors are a necessary evil, they must be limited by every possible device to the sole legitimate aim, and watched at every turn by the all-seeing eye of public opinion. Every one must admit that this is an application of a sound principle, and that one condition of good government is the diffusion of universal responsibility. It must be admitted, too, that Bentham's theory represents a vigorous embodiment and unflinching application of doctrines which since his time have spread and gained more general authority.

[1] *Works*, ix. 594. [2] *Ibid.* ix. 62. [3] *Ibid.* ix. 24. [4] *Ibid.* ix. 48.

Mill says that granting one assumption, the Constitutional Code is 'admirable.'[1] That assumption is that it is for the good of mankind to be under the absolute authority of a majority. In other words, it would justify what Mill calls the 'despotism of public opinion.' To protest against that despotism was one of the main purposes of Mill's political writings. How was it that the disciple came to be in such direct opposition to his master? That question cannot be answered till we have considered Mill's own position. But I have now followed Bentham far enough to consider the more general characteristics of his doctrine.

I have tried, in the first place, to show what was the course of Bentham's own development; how his observation of certain legal abuses led him to attempt the foundation of a science of jurisprudence; how the difficulty of obtaining a hearing for his arguments led him to discover the power of 'Judge and Co.'; how he found out that behind 'Judge and Co.' were George III. and the base Sidmouth, and the whole band of obstructors entrenched within the 'matchless constitution'; and how thus his attack upon the abuses of the penal law led him to attack the whole political framework of the country. I have also tried to show how Bentham's development coincided with that of the English reformers generally. They too began with attacking specific abuses. They were for 'reform, not revolution.' The constitution satisfied them in the main: they boasted of the palladia of their liberties, 'trial by jury' and the 'Habeas Corpus' Act, and held Frenchmen to be frog-eating slaves in danger of *lettres de cachet* and the Bastille.

[1] *Dissertations*, i. 377.

English public opinion in spite of many trammels had a potent influence. Their first impulse, therefore, was simply to get rid of the trammels—the abuses which had grown up from want of a thorough application of the ancient principles in their original purity. The English Whig, even of the more radical persuasion, was profoundly convinced that the foundations were sound, however unsatisfactory might be the superstructure. Thus, both Bentham and the reformers generally started —not from abstract principles, but from the assault upon particular abuses. This is the characteristic of the whole English movement, and gives the meaning of their claim to be 'practical.' The Utilitarians were the reformers on the old lines; and their philosophy meant simply a desire to systematise the ordinary common-sense arguments. The philosophy congenial to this vein is the philosophy which appeals to experience. Locke had exploded 'innate ideas.' They denounced 'intuitions,' or beliefs which might override experience as 'innate ideas' in a new dress; and the attempt to carry out this view systematically became the distinctive mark of the whole school. Bentham accepted, though he did little to elaborate, this doctrine. That task remained for his disciples. But the tendency is shown by his view of a rival version of Radicalism.

Bentham, as we have seen, regarded the American Declaration of Independence as so much 'jargon.' He was entirely opposed to the theory of the 'rights of man,' and therefore to the 'ideas of 1789.' From that theory the revolutionary party professed to deduce their demands for universal suffrage, the levelling of all privileges, and the absolute supremacy of the people. Yet

Bentham, repudiating the premises, came to accept the conclusion. His Constitutional Code 'scarcely differs from the ideal of the Jacobins', except in pushing the logic further. The machinery by which he proposed to secure that the so-called rulers should become really the servants of the people was more thoroughgoing and minutely worked out than that of any democratic constitution that has ever been adopted. How was it that two antagonist theories led to identical results; and that the 'rights of man,' absurd in philosophy, represented the ideal state of things in practice?

The general answer may be that political theories are not really based upon philosophy. The actual method is to take your politics for granted on the one side and your philosophy for granted on the other, and then to prove their necessary connection. But it is, at any rate, important to see what was the nature of the philosophical assumptions implicitly taken for granted by Bentham.

The 'rights of man' doctrine confounds a primary logical canon with a statement of fact. Every political theory must be based upon facts as well as upon logic. Any reasonable theory about politics must no doubt give a reason for inequality and a reason, too, for equality. The maxim that all men were, or ought to be, 'equal' asserts correctly that there must not be arbitrary differences. Every inequality should have its justification in a reasonable system. But when this undeniable logical canon is taken to prove that men actually are equal, there is an obvious begging of the question. In point of fact, the theorists immediately proceeded to disfranchise half the race on account of sex, and a third of the remainder on account of infancy. They could

only amend the argument by saying that all men were equal in so far as they possessed certain attributes. But those attributes could only be determined by experience, or, as Bentham would have put it, by an appeal to 'utility.' It is illogical, said the anti-slavery advocate, to treat men differently on account of the colour of their skins. No doubt it is illogical if, in fact, the difference of colour does not imply a difference of the powers which fit a man for the enjoyment of certain rights. We may at least grant that the burden of proof should be upon those who would disfranchise all red-haired men. But this is because experience shows that the difference of colour does not mark a relevant difference. We cannot say, *a priori*, whether the difference between a negro and a white man may not be so great as to imply incapacity for enjoyment of equal rights. The black skin might—for anything a mere logician can say—indicate the mind of a chimpanzee. The case against slavery does not rest on the bare fact that negroes and whites both belong to the class 'man,' but on the fact that the negro has powers and sensibilities which fit him to hold property, to form marriages, to learn his letters, and so forth. But that fact is undeniably to be proved, not from the bare logic, but from observation of the particular case.

Bentham saw with perfect clearness that sound political theory requires a basis of solid fact. The main purpose of his whole system was to carry out that doctrine thoroughly. His view is given vigorously in the 'Anarchical Fallacies'—a minute examination of the French Declaration of Rights in 1791. His argument is of merciless length, and occasionally so minute as to

sound like quibbling. The pith, however, is clear enough. 'All men are born and remain free and equal in respect of rights' are the first words of the Declaration. Nobody is 'born free,' retorts Bentham. Everybody is born, and long remains, a helpless child. All men born free! Absurd and miserable nonsense! Why, you are complaining in the same breath that nearly everybody is a slave.[1] To meet this objection, the words might be amended by substituting 'ought to be' for 'is.' This, however, on Bentham's showing, at once introduces the conception of utility, and therefore leads to empirical considerations. The proposition, when laid down as a logical necessity, claims to be absolute. Therefore it implies that all authority is bad; the authority, for example, of parent over child, or of husband over wife; and moreover, that all laws to the contrary are *ipso facto* void. That is why it is 'anarchical.' It supposes a 'natural right,' not only as suggesting reasons for proposed alterations of the legal right, but as actually annihilating the right and therefore destroying all government. '*Natural rights*,' says Bentham,[2] is simple nonsense; natural and imprescriptible rights 'rhetorical nonsense—nonsense upon stilts.' For 'natural right' substitute utility, and you have, of course, a reasonable principle, because an appeal to experience. But lay down 'liberty' as an absolute right and you annihilate law, for every law supposes coercion. One man gets liberty simply by restricting the liberty of others.[3] What Bentham substantially says, therefore, is that on this version absolute rights of individuals could mean nothing but anarchy; or that

[1] *Works*, ii. 497. [2] *Ibid.* ii. 501. [3] *Ibid.* ii. 503.

no law can be defended except by a reference to facts, and therefore to 'utility.'

One answer might be that the demand is not for absolute liberty, but for as much liberty as is compatible with equal liberty for all. The fourth article of the Declaration says: 'Liberty consists in being able to do that which is not hurtful to another, and therefore the exercise of the natural rights of each man has no other bounds than those which ensure to the other members of the society the enjoyment of the same rights.' This formula corresponds to a theory held by Mr. Herbert Spencer; and, as he observes,[1] held on different grounds by Kant. Bentham's view, indicated by his criticism of this article in the 'Anarchical Fallacies,' is therefore worth a moment's notice. The formula does not demand the absolute freedom which would condemn all coercion and all government; but it still seems to suggest that liberty, not utility, is the ultimate end. Bentham's formula, therefore, diverges. All government, he holds, is an evil, because coercion implies pain. We must therefore minimise, though we cannot annihilate, government; but we must keep to utility as the sole test. Government should, of course, give to the individual all such rights as are 'useful'; but it does not follow, without a reference to utility, that men should not be restrained even in 'self-regarding' conduct. Some men, women, and children require to be protected against the consequences of their own 'weakness, ignorance, or imprudence.'[2] Bentham adheres, that is, to the strictly

[1] *Justice*, p. 264; so Price, in his *Observations on Liberty*, lays it down that government is never to entrench upon private liberty, 'except so far as private liberty entrenches on the liberty of others.'

[2] *Works*, ii. 506.

empirical ground. The absolute doctrine requires to be qualified by a reference to actual circumstances: and, among those circumstances, as Bentham intimates, we must include the capacity of the persons concerned to govern themselves. Carried out as an absolute principle, it would imply the independence of infants; and must therefore require some reference to 'utility.'

Bentham, then, objects to the Jacobin theory as too absolute and too 'individualist.' The doctrine begs the question; it takes for granted what can only be proved by experience; and therefore lays down as absolute theories which are only true under certain conditions or with reference to the special circumstances to which they are applied. That is inconsistent with Bentham's thoroughgoing empiricism. But he had antagonists to meet upon the other side: and, in meeting them, he was led to a doctrine which has been generally condemned for the very same faults—as absolute and individualist. We have only to ask in what sense Bentham appealed to 'experience' to see how he actually reached his conclusions. The adherents of the old tradition appealed to experience in their own way. The English people, they said, is the freest, richest, happiest in the world; it has grown up under the British Constitution: therefore the British Constitution is the best in the world, as Burke tells you, and the British common law, as Blackstone tells you, is the 'perfection of wisdom.' Bentham's reply was virtually that although he, like Burke, appealed to experience, he appealed to experience scientifically organised, whereas Burke appealed to mere blind tradition. Bentham is to be the founder of a new science, founded like chemistry on experiment,

and his methods are to be as superior to those of Burke as those of modern chemists to those of the alchemists who also invoked experience. The true plan was not to throw experience aside because it was alleged by the ignorant and the prejudiced, but to interrogate experience systematically, and so to become the Bacon or the Newton of legislation, instead of wandering off into the *a priori* constructions of a Descartes or a Leibniz.

Bentham thus professes to use an 'inductive' instead of the deductive method of the Jacobins; but reaches the same practical conclusions from the other end. The process is instructive. He objected to the existing inequalities, not as inequalities simply, but as mischievous inequalities. He, as well as the Jacobins, would admit that inequality required justification; and he agreed with them that, in this case, there was no justification. The existing privileges did not promote the 'greatest happiness of the greatest number.' The attack upon the 'Anarchical Fallacies' must be taken with the *Book of Fallacies*, and the *Book of Fallacies* is a sustained and vigorous, though a curiously cumbrous, assault upon the Conservative arguments. Its pith may be found in Sydney Smith's *Noodle's Oration*; but it is itself well worth reading by any one who can recognise really admirable dialectical power, and forgive a little crabbedness of style in consideration of genuine intellectual vigour. I only notice Bentham's assault upon the 'wisdom of our ancestors.' After pointing out how much better we are entitled to judge now that we have got rid of so many supersititions, and have learned to read and write, he replies to the question, 'Would you have us speak and act as if we never had any ancestors?'

'By no means,' he replies; 'though their opinions were of little value, their practice is worth attending to; but chiefly because it shows the bad consequences of their opinions.' 'From foolish opinion comes foolish conduct; from foolish conduct the severest disaster; and from the severest disaster the most useful warning. It is from the folly, not from the wisdom, of our ancestors that we have so much to learn.'[1] Bentham has become an 'ancestor,' and may teach us by his errors. Pointed and vigorous as is his exposure of many of the sophistries by which Conservatives defended gross abuses and twisted the existence of any institution into an argument for its value, we get some measure from this of Bentham's view of history. In attacking an abuse, he says, we have a right to inquire into the utility of any and every arrangement. The purpose of a court of justice is to decide litigation; it has to ascertain facts and apply rules: does it then ascertain facts by the methods most conducive to the discovery of truth? Are the rules needlessly complex, ambiguous, calculated to give a chance to knaves, or to the longest purse? If so, undoubtedly they are mischievous. Bentham had done inestimable service in stripping away all the disguises and technical phrases which had evaded the plain issue, and therefore made of the laws an unintelligible labyrinth. He proceeded to treat in the same way of government generally. Does it work efficiently for its professed ends? Is it worked in the interests of the nation, or of a special class, whose interests conflict with those of the nation? He treated, that is, of government as a man of business might investigate a commercial undertaking.

[1] *Works*, ii. 401.

If he found that clerks were lazy, ignorant, making money for themselves, or bullying and cheating the customers, he would condemn the management. Bentham found the 'matchless constitution' precisely in this state. He condemned political institutions worked for the benefit of a class, and leading, especially in legal matters, to endless abuses and chicanery. The abuses everywhere imply 'inequality' in some sense; for they arise from monopoly. The man who holds a sinecure, or enjoys a privilege, uses it for his own private interest. The 'matter of corruption,' as Bentham called it, was provided by the privilege and the sinecure. The Jacobin might denounce privileges simply as privileges, and Bentham denounce them because they were used by the privileged class for corrupt purposes. So far, Bentham and the Jacobins were quite at one. It mattered little to the result which argument they preferred to use, and without doubt they had a very strong case, and did in fact express a demand for justice and for a redress of palpable evils. The difference seems to be that in one case the appeal is made in the name of justice and equality; in the other case, in the name of benevolence and utility.

The important point here, however, is to understand Bentham's implicit assumptions. J. S. Mill, in criticising his master, points out very forcibly the defects arising from Bentham's attitude to history. He simply continued, as Mill thinks, the hostility with which the critical or destructive school of the eighteenth century regarded their ancestors. To the revolutionary party history was a record of crimes and follies and of little else. The question will meet us again; and here it is

enough to ask what is the reason of his tacit implication of Bentham's position. Bentham's whole aim, as I have tried to show, was to be described as the construction of a science of legislation. The science, again, was to be purely empirical. It was to rest throughout upon the observation of facts. That aim—an admirable aim—runs through his whole work and that of his successors. I have noticed, indeed, how easily Bentham took for granted that his makeshift classification of common motives amounted to a scientific psychology. A similar assumption that a rough sketch of a science is the same thing as its definite constitution is characteristic of the Utilitarians in general. A scientific spirit is most desirable; but the Utilitarians took a very short cut to scientific certainty. Though appealing to experience, they reach formulæ as absolute as any 'intuitionist' could desire. What is the logical process implied? To constitute an empirical science is to show that the difference between different phenomena is due simply to 'circumstances.' The explanation of the facts becomes sufficient when the 'law' can be stated, as that of a unit of constant properties placed in varying positions. This corresponds to the procedure in the physical sciences, where the ultimate aim is to represent all laws as corresponding to the changes of position of uniform atoms. In social and political changes the goal is the same. J. S. Mill states in the end of his *Autobiography*[1] that one main purpose of his writing was to show that 'differences between individuals, races, or sexes' are due to 'differences in circumstances.' In fact, this is an

[1] *Autobiography*, p. 274.

aim so characteristic from the beginning of the whole school, that it may be put down almost as a primary postulate. It was not, indeed, definitely formulated; but to 'explain' a social theorem was taken to be the same thing as to show how differences of character or conduct could be explained by 'circumstance'—meaning by 'circumstance' something not given in the agent himself. We have, however, no more right as good empiricists to assert than to deny that all difference comes from 'circumstance.' If we take 'man' as a constant quantity in our speculations, it requires at least a great many precautions before we can assume that our abstract entity corresponds to a real concrete unit. Otherwise we have a short cut to a doctrine of 'equality.' The theory of 'the rights of man' lays down the formula, and assumes that the facts will correspond. The Utilitarian assumes the equality of fact, and of course brings out an equally absolute formula. 'Equality,' in some sense, is introduced by a side wind, though not explicitly laid down as an axiom.[1] This underlying tendency may partly explain the coincidence of results—though it would require a good many qualifications in detail; but here I need only take Bentham's more or less unconscious application.

Bentham's tacit assumption, in fact, is that there is an average 'man.' Different specimens of the race, indeed, may vary widely according to age, sex, and so forth; but, for purposes of legislation, he may serve as a unit. We can assume that he has on the average certain qualities from which his actions in the mass can

[1] Hobbes, in the *Leviathan* (chap. xiii.), has in the same way to argue for the *de facto* equality of men.

be determined with sufficient accuracy, and we are tempted to assume that they are mainly the qualities obvious to an inhabitant of Queen's Square Place about the year 1800. Mill defends Bentham against the charge that he assumed his codes to be good for all men everywhere. To that, says Mill,[1] the essay upon the 'Influence of Time and Place in Matters of Legislation' is a complete answer. Yet Mill[2] admits in the same breath that Bentham omitted all reference to 'national character.' In fact, as we have seen, Bentham was ready to legislate for Hindoostan as well as for his own parish; and to make codes not only for England, Spain, and Russia, but for Morocco. The Essay mentioned really explains the point. Bentham not only admitted but asserted as energetically as became an empiricist, that we must allow for 'circumstances'; and circumstances include not only climate and so forth, but the varying beliefs and customs of the people under consideration. The real assumption is that all such circumstances are superficial, and can be controlled and altered indefinitely by the 'legislator.' The Moor, the Hindoo, and the Englishman are all radically identical; and the differences which must be taken into account for the moment can be removed by judicious means. Without pausing to illustrate this from the Essay, I may remark that for many purposes such an assumption is justifiable and guides ordinary common sense. If we ask what would be the best constitution for a commercial company, or the best platform for a political party, we can form a fair guess by arguing from the average of Bentham and his

[1] *Dissertations*, i. 375.

[2] I remark by anticipation that this expression implies a reference to Mill's *Ethology*, of which I shall have to speak.

contemporaries—especially if we are shrewd attornies or political wirepullers. Only we are not therefore in a position to talk about the 'science of human nature' or to deal with problems of 'sociology.' This, however, gives Bentham's 'individualism' in a sense of the phrase already explained. He starts from the 'ready-made man,' and deduces all institutions or legal arrangements from his properties. I have tried to show how naturally this view fell in with the ordinary political conceptions of the time. It shows, again, why Bentham disregards history. When we have such a science, empirical or *a priori*, history is at most of secondary importance. We can deduce all our maxims of conduct from the man himself as he is before us. History only shows how terribly he blundered in the pre-scientific period. The blunders may give us a hint here and there. Man was essentially the same in the first and the eighteenth century, and the differences are due to the clumsy devices which he made by rule of thumb. We do not want to refer to them now, except as illustrations of errors. We may remark how difficult it was to count before the present notation was invented; but when it has once been invented, we may learn to use it without troubling our heads about our ancestors' clumsy contrivances for doing without it. This leads to the real shortcoming. There is a point at which the historical view becomes important—the point, namely, where it is essential to remember that man is not a ready-made article, but the product of a long and still continuing 'evolution.' Bentham's attack (in the *Fragment*) upon the 'social contract' is significant. He was, no doubt, perfectly right in saying that an imaginary contract could

add no force to the ultimate grounds for the social union. Nobody would now accept the fiction in that stage. And yet the 'social contract' may be taken to recognise a fact; namely, that the underlying instincts upon which society alternately rests correspond to an order of reasons from those which determine more superficial relations. Society is undoubtedly useful, and its utility may be regarded as its ground. But the utility of society means much more than the utility of a railway company or a club, which postulates as existing a whole series of already established institutions. To Bentham an 'utility' appeared to be a kind of permanent and ultimate entity which is the same at all periods—it corresponds to a psychological currency of constant value. To show, therefore, that the social contract recognises 'utility' is to show that the whole organism is constructed just as any particular part is constructed. Man comes first and 'society' afterwards. I have already noticed how this applies to his statements about the utility of a law; how his argument assumes an already constituted society, and seems to overlook the difference between the organic law upon which all order essentially depends, and some particular modification or corollary which may be superinduced. We now have to notice the political version of the same method. The 'law,' according to Bentham, is a rule enforced by a 'sanction.' The imposer of the rule in the phrase which Hobbes had made famous is the 'sovereign.' Hobbes was a favourite author, indeed, of the later Utilitarians, though Bentham does not appear to have studied him. The relation is one of natural affinity. When in the *Constitutional Code* Bentham transfers the 'sovereignty' from the king to

the 'people,'[1] he shows the exact difference between his doctrine and that of the *Leviathan*. Both thinkers are absolutists in principle, though Hobbes gives to a monarch the power which Bentham gives to a democracy. The attributes remain though their subject is altered. The 'sovereign,' in fact, is the keystone of the whole Utilitarian system. He represents the ultimate source of all authority, and supplies the motive for all obedience. As Hobbes put it, he is a kind of mortal God.

Mill's criticism of Bentham suggests the consequences. There are, he says,[2] three great questions: What government is for the good of the people? How are they to be induced to obey it? How is it to be made responsible? The third question, he says, is the only one seriously considered by Bentham; and Bentham's answer, we have seen, leads to that 'tyranny of the majority' which was Mill's great stumbling-block. Why, then, does Bentham omit the other questions? or rather, how would he answer them? for he certainly assumes an answer. People, in the first place, are 'induced to obey' by the sanctions. They don't rob that they may not go to prison. That is a sufficient answer at a given moment. It assumes, indeed, that the law will be obeyed. The policeman, the gaoler, and the judge will do what the sovereign—whether despot or legislature—orders them to do. The jurist may naturally take this for granted. He does not go 'behind the law.' That is the law which the sovereign has declared to be the law. In that sense, the sovereign is omnipotent. He can, as a fact, threaten evildoers with the gallows; and the jurist simply takes the fact for granted, and

[1] *Works*, ix. 96, 113. [2] *Dissertations*, i. 376.

assumes that the coercion is an ultimate fact. No doubt it is ultimate for the individual subject. The immediate restraint is the policeman, and we need not ask upon what does the policeman depend. If, however, we persist in asking, we come to the historical problems which Bentham simply omits. The law itself, in fact, ultimately rests upon 'custom,'—upon the whole system of instincts, beliefs, and passions which induce people to obey government, and are, so to speak, the substance out of which loyalty and respect for the law is framed. These, again, are the product of an indefinitely long elaboration, which Bentham takes for granted. He assumes as perfectly natural and obvious that a number of men should meet, as the Americans or Frenchmen met, and create a constitution. That the possibility of such a proceeding involves centuries of previous training does not occur to him. It is assumed that the constitution can be made out of hand, and this assumption is of the highest importance, not only historically, but for immediate practice. Mill assumes too easily that Bentham has secured responsibility. Bentham assumes that an institution will work as it is intended to work—perhaps the commonest error of constitution-mongers. If the people use the instruments which he provides, they have a legal method for enforcing obedience. To infer that they will do so is to infer that all the organic instincts will operate precisely as he intends; that each individual, for example, will form an independent opinion upon legislative questions, vote for men who will apply his opinions, and see that his representatives perform his bidding honestly. That they should do so is essential to his scheme; but that they will do so is what he takes

for granted. He assumes, that is, that there is no need for inquiring into the social instincts which lie beneath all political action. You can make your machine and assume the moving force. That is the natural result of considering political and legislative problems without taking into account the whole character of the human materials employed in the construction. Bentham's sovereign is thus absolute. He rules by coercion, as a foreign power may rule by the sword in a conquered province. Thus, force is the essence of government, and it is needless to go further. To secure the right application of the force, we have simply to distribute it among the subjects. Government still means coercion, and ultimately nothing else; but then, as the subjects are simply moved by their own interests, that is, by utility, they will apply the power to secure those interests. Therefore, all that is wanted is this distribution, and Mill's first problem, What government is for the good of the people? is summarily answered. The question, how obedience is to be secured, is evaded by confining the answer to the 'sanctions,' and taking for granted that the process of distributing power is perfectly simple, or that a new order can be introduced as easily as parliament can pass an act for establishing a new police in London. The 'social contract' is abolished; but it is taken for granted that the whole power of the sovereign can be distributed, and rules made for its application by the common sense of the various persons interested. Finally, the one bond outside of the individual is the sovereign. He represents all that holds society together; his 'sanctions,' as I have said, are taken to be on the same plane with the 'moral sanctions'—not dependent

upon them, but other modes of applying similar motives. As the sovereign, again, is in a sense omnipotent, and yet can be manufactured, so to speak, by voluntary arrangements among the individual members of society, there is no limit to the influence which he may exercise. I note, indeed, that I am speaking rather of the tendencies of the theory than of definitely formulated conclusions. Most of the Utilitarians were exceedingly shrewd, practical people, whose regard for hard facts imposed limits upon their speculations. They should have been the last people to believe too implicitly in the magical efficacy of political contrivances, for they were fully aware that many men are knaves and most men fools. They probably put little faith in Bentham's Utopia, except as a remote ideal, and an ideal of unimaginative minds. The Utopia was constructed on 'individualist' principles, because common-sense naturally approves individualism. The whole social and political order is clearly the sum of the individuals, who combine to form an aggregate; and theories about social bonds take one to the mystical and sentimental. The absolute tendency is common to Bentham and the Jacobins. Whether the individual be taken as a unit of constant properties, or as the subject of absolute rights, we reach equally absolute conclusions. When all the social and political regulations are regarded as indefinitely modifiable, the ultimate laws come to depend upon the absolute framework of unalterable fact. This, again, is often the right point of view for immediate questions in which we may take for granted that the average individual is in fact constant; and, as I have said in regard to Bentham's legislative process, leads to very relevant and

important, though not ultimate, questions. But there are certain other results which require to be noticed. 'Individualism,' like other words that have become watchwords of controversy, has various shades of meaning, and requires a little more definition.

VII. INDIVIDUALISM

'Individualism' in the first place is generally mentioned in a different connection. The 'ready-made' man of whom I have spoken becomes the 'economic man.' Bentham himself contributed little to economic theory. His most important writing was the *Defence of Usury*, and in this, as we have seen, he was simply adding a corollary to the *Wealth of Nations*. The *Wealth of Nations* itself represented the spirit of business; the revolt of men who were building up a vast industrial system against the fetters imposed by traditional legislation and by rulers who regarded industry in general, as Telford is said to have regarded rivers. Rivers were meant to supply canals, and trade to supply tax-gatherers. With this revolt, of course, Bentham was in full sympathy, but here I shall only speak of one doctrine of great interest, which occurs both in his political treatises and his few economical remarks. Bentham objected, as we have seen, to the abstract theory of equality; yet it was to the mode of deduction rather than to the doctrine itself which he objected. He gave, in fact, his own defence; and it is one worth notice.[1] The principle of equality is derivative, not ultimate. Equality is good

[1] *Works*, 'Civil Code' (from Dumont), i. 302, 305; *Ibid.* ('Principles of Constitutional Code') ii. 271; *Ibid.* ('Constitutional Code') ix. 15-18.

because equality increases the sum of happiness. Thus, as he says,[1] if two men have £1000, and you transfer £500 from one to the other, you increase the recipient's wealth by one-third, and diminish the loser's wealth by one-half. You therefore add less pleasure than you subtract. The principle is given less mathematically[2] by the more significant argument that 'felicity' depends not simply on the 'matter of felicity' or the stimulus, but also on the sensibility to felicity which is necessarily limited. Therefore by adding wealth—taking, for example, from a thousand labourers to give to one king—you are supersaturating a sensibility already glutted by taking away from others a great amount of real happiness. With this argument, which has of late years become conspicuous in economics, he connects another of primary importance. The first condition of happiness, he says, is not 'equality' but 'security.' Now you can only equalise at the expense of security. If I am to have my property taken away whenever it is greater than my neighbour's, I can have no security.[3] Hence, if the two principles conflict, equality should give way. Security is the primary, which must override the secondary, aim. Must the two principles, then, always conflict? No; but 'time is the only mediator.'[4] The law may help to accumulate inequalities; but in a prosperous state there is a 'continual progress towards equality.' The law has to stand aside; not to maintain monopolies; not to restrain trade; not to permit entails; and then property will diffuse itself by a natural process, already exemplified in the growth of Europe. The 'pyramids'

[1] *Works*, i. 306 *n.*
[2] *Ibid.* ix. 15.
[3] *Ibid.* ('Principles of Penal Code') i. 311.
[4] *Ibid.* i. 312.

heaped up in feudal times have been lowered, and their '*débris* spread abroad' among the industrious. Here again we see how Bentham virtually diverges from the *a priori* school. Their absolute tendencies would introduce 'equality' by force; he would leave it to the spontaneous progress of security. Hence Bentham is in the main an adherent of what he calls[1] the '*laissez-nous faire*' principle. He advocates it most explicitly in the so-called *Manual of Political Economy*—a short essay first printed in 1798.[2] The tract, however, such as it is, is less upon political economy proper than upon economic legislation; and its chief conclusion is that almost all legislation is improper. His main principle is 'Be quiet' (the equivalent of the French phrase, which surely should have been excluded from so English a theory). Security and freedom are all that industry requires; and industry should say to government only what Diogenes said to Alexander, 'Stand out of my sunshine.'[3]

Once more, however, Bentham will not lay down the 'let alone' principle absolutely. His adherence to the empirical method is too decided. The doctrine 'be quiet,' though generally true, rests upon utility, and may, therefore, always be qualified by proving that in a particular case the balance of utility is the other way. In fact, some of Bentham's favourite projects would be condemned by an absolute adherent of the doctrine. The Panopticon, for example, though a 'mill to grind rogues honest' could be applied to others than rogues, and Bentham hoped to make his machinery equally effective in the case of pauperism. A system of national education is also included in his ideal constitution. It is, in

[1] *Works*, x. 440. [2] *Ibid.* iii. 33, etc. [3] *Ibid.* iii. 35.

fact, important to remember that the 'individualism' of Benthamism does not necessarily coincide with an absolute restriction of government interference. The general tendency was in that direction; and in purely economical questions, scarcely any exception was admitted to the rule. Men are the best judges, it was said, of their own interest; and the interference of rulers in a commercial transaction is the interference of people inferior in knowledge of the facts, and whose interests are 'sinister' or inconsistent with those of the persons really concerned. Utility, therefore, will, as a rule, forbid the action of government: but, as utility is always the ultimate principle, and there may be cases in which it does not coincide with the 'let alone' principle, we must always admit the possibility that in special cases government can interfere usefully, and, in that case, approve the interference.

Hence we have the ethical application of these theories. The individualist position naturally tends to take the form of egoism. The moral sentiments, whatever they may be, are clearly an intrinsic part of the organic social instincts. They are intimately involved in the whole process of social evolution. But this view corresponds precisely to the conditions which Bentham overlooks. The individual is already there. The moral and the legal sanctions are 'external'; something imposed by the action of others; corresponding to 'coercion,' whether by physical force or the dread of public opinion; and, in any case, an accretion or addition, not a profound modification of his whole nature. The Utilitarian 'man' therefore inclines to consider other people as merely parts of the necessary machinery. Their feelings

are relevant only as influencing their outward conduct. If a man gives me a certain 'lot' of pain or pleasure, it does not matter what may be his motives. The 'motive' for all conduct corresponds in all cases to the pain or pleasure accruing to the agent. It is true that his happiness will be more or less affected by his relations to others. But as conduct is ruled by a calculation of the balance of pains or pleasures dependent upon any course of action, it simplifies matters materially, if each man regards his neighbour's feelings simply as instrumental, not intrinsically interesting. And thus the coincidence between that conduct which maximises my happiness and that conduct which maximises happiness in general, must be regarded as more or less accidental or liable in special cases to disappear. If I am made happier by action which makes others miserable, the rule of utility will lead to my preference of myself.

Here we have the question whether the Utilitarian system be essentially a selfish system. Bentham, with his vague psychology, does not lay down the doctrine absolutely. After giving this list of self-regarding 'springs of action,' he proceeds to add the pleasures and pains of 'sympathy' and 'antipathy' which, he says, are not self-regarding. Moreover, as we have seen, he has some difficulty in denying that 'benevolence' is a necessarily moral motive: it is only capable of prompting to bad conduct in so far as it is insufficiently enlightened; and it is clear that a moralist who makes the 'greatest happiness of the greatest number' his universal test, has some reason for admitting as an elementary pleasure the desire for the greatest happiness. This comes out curiously in the *Constitutional Code*. He there lays down the 'self-preference principle'—the principle,

namely, that 'every human being' is determined in every action by his judgment of what will produce the greatest happiness to himself, 'whatsoever be the effect . . . in relation to the happiness of other similar beings, any or all of them taken together.'[1] Afterwards, however, he observes that it is 'the constant and arduous task of every moralist' and of every legislator who deserves the name to 'increase the influence of sympathy at the expense of that of self-regard and of sympathy for the greater number at the expense of sympathy for the lesser number.'[2] He tries to reconcile these views by the remark 'that even sympathy has its root in self-regard,' and he argues, as Mr. Herbert Spencer has done more fully, that if Adam cared only for Eve and Eve only for Adam—neither caring at all for himself or herself—both would perish in less than a year. Self-regard, that is, is essential, and sympathy supposes its existence. Hence Bentham puts himself through a catechism.[3] What is the 'best' government? That which causes the greatest happiness of the given community. What community? 'Any community, which is as much as to say, every community.' But *why* do you desire this happiness? Because the establishment of that happiness would contribute to *my* greatest happiness. And *how* do you prove that you desire this result? By my labours to obtain it, replies Bentham. This oddly omits the more obvious question, how can you be sure that your happiness will be promoted by the greatest happiness of all? What if the two criteria differ? I desire the general happiness, he might have replied, because my benevolence is an original or elementary instinct which can override my

[1] *Works*, ix. 5. [2] *Ibid.* ix. 192. [3] *Ibid.* ix. 7.

self-love; or I desire it, he would perhaps have said, because I know as a fact that the happiness of others will incidentally contribute to my own. The first answer would fall in with some of his statements; but the second is, as I think must be admitted, more in harmony with his system. Perhaps, indeed, the most characteristic thing is Bentham's failure to discuss explicitly the question whether human action is or is not necessarily 'selfish.' He tells us in regard to the 'springs of action' that all human action is always 'interested,' but explains that the word properly includes actions in which the motive is not 'self-regarding.'[1] It merely means, in fact, that all conduct has motives. The statement which I have quoted about the 'self-preference' principle may only mean a doctrine which is perfectly compatible with a belief in 'altruism'—the doctrine, namely, that as a fact most people are chiefly interested by their own affairs. The legislator, he tells us, should try to increase sympathy, but the less he takes sympathy for the 'basis of his arrangements'—that is, the less call he makes upon purely unselfish motives—the greater will be his success.[2] This is a shrewd and, I should say, a very sound remark, but it implies—not that all motives are selfish in the last analysis, but—that the legislation should not assume too exalted a level of ordinary morality. The utterances in the very unsatisfactory *Deontology* are of little value, and seem to imply a moral sentiment corresponding to a petty form of commonplace prudence.[3]

[1] *Works*, i. 212. [2] *Ibid.* ix. 192.

[3] See, *e.g.*, i. 83, where sympathy seems to be taken as an ultimate pleasure; and ii. 133, where he says 'dream not that men will move their little finger to serve you unless their advantage in so doing be obvious to them.' See also the

Leaving this point, however, the problem necessarily presented itself to Bentham in a form in which selfishness is the predominating force, and any recognition of independent benevolence rather an incumbrance than a help. If we take the 'self-preference principle' absolutely, the question becomes how a multitude of individuals, each separately pursuing his own happiness, can so arrange matters that their joint action may secure the happiness of all. Clearly a man, however selfish, has an interest generally in putting down theft and murder. He is already provided with a number of interests to which security, at least, and therefore a regular administration of justice, is essential. His shop could not be carried on without the police; and he may agree to pay the expenses, even if others reap the benefit in greater proportion. A theory of legislation, therefore, which supposes ready formed all the instincts which make a decent commercial society possible can do without much reference to sympathy or altruism. Bentham's man is not the colourless unit of *a priori* writing, nor the noble savage of Rousseau, but the respectable citizen with a policeman round the corner. Such a man may well hold that honesty is the best policy; he has enough sympathy to be kind to his old mother, and help a friend in distress; but the need of romantic and elevated

apologue of 'Walter Wise,' who becomes Lord Mayor, and 'Timothy Thoughtless,' who ends at Botany Bay (i. 118), giving the lowest kind of prudential morality. The manuscript of the *Deontology*, now in University College, London, seems to prove that Bentham was substantially the author, though the Mills seem to have suspected Bowring of adulterating the true doctrine. He appears to have been an honest if not very intelligent editor; though the rewriting, necessary in all Bentham's works, was damaging in this case; and he is probably responsible for some rhetorical amplification, especially in the later part.

conduct rarely occurs to him; and the heroic, if he meets it, appears to him as an exception, not far removed from the silly. He does not reflect—especially if he cares nothing for history—how even the society in which he is a contented unit has been built up, and how much loyalty and heroism has been needed for the work; nor even, to do him justice, what unsuspected capacities may lurk in his own commonplace character. The really characteristic point is, however, that Bentham does not clearly face the problem. He is content to take for granted as an ultimate fact that the self-interest principle in the long run coincides with the greatest 'happiness' principle, and leaves the problem to his successors. There we shall meet it again.

Finally, Bentham's view of religion requires a word. The short reply, however, would be sufficient, that he did not believe in any theology, and was in the main indifferent to the whole question till it encountered him in political matters. His first interest apparently was roused by the educational questions which I have noticed, and the proposal to teach the catechism. Bentham, remembering the early bullying at Oxford, examines the catechism; and argues in his usual style that to enforce it is to compel children to tell lies. But this leads him to assail the church generally; and he regards the church simply as a part of the huge corrupt machinery which elsewhere had created Judge and Co. He states many facts about non-residence and bloated bishoprics which had a very serious importance; and he then asks how the work might be done more cheaply. As a clergyman's only duty is to read weekly services and preach sermons, he suggests (whether seriously may

be doubted) that this might be done as well by teaching a parish boy to read properly, and provide him with the prayer-book and the homilies.[1] A great deal of expense would be saved. This, again, seems to have led him to attack St. Paul, whom he took to be responsible for dogmatic theology, and therefore for the catechism ; and he cross-examines the apostle, and confronts his various accounts of the conversion with a keenness worthy of a professional lawyer. In one of the MSS. at University College the same method is applied to the gospels. Bentham was clearly not capable of anticipating Renan. From these studies he was led to the far more interesting book, published under the name of *Philip Beauchamp*. Bentham supplied the argument in part; but to me it seems clear that it owes so much to the editor, Grote, that it may more fitly be discussed hereafter.

The limitations and defects of Bentham's doctrine have been made abundantly evident by later criticism. They were due partly to his personal character, and partly to the intellectual and special atmosphere in which he was brought up. But it is more important to recognise the immense real value of his doctrine. Briefly, I should say, that there is hardly an argument in Bentham's voluminous writings which is not to the purpose so far as it goes. Given his point of view, he is invariably cogent and relevant. And, moreover, that is a point of view which has to be taken. No ethical or political doctrine can, as I hold, be satisfactory which does not find a place for Bentham, though he was far, indeed, from giving a complete theory of his subject. And the main reason of this is that which I have already

[1] *Church of Englandism* (Catechism examined), p. 207.

indicated. Bentham's whole life was spent in the attempt to create a science of legislation. Even where he is most tiresome, there is a certain interest in his unflagging working out of every argument, and its application to all conceivable cases. It is all genuine reasoning; and throughout it is dominated by a respect for good solid facts. His hatred of 'vague generalities'[1] means that he will be content with no formula which cannot be interpreted in terms of definite facts. The resolution to insist upon this should really be characteristic of every writer upon similar subjects, and no one ever surpassed Bentham in attention to it. Classify and reclassify, to make sure that at every point your classes correspond to realities. In the effort to carry out these principles, Bentham at least brought innumerable questions to a sound test, and exploded many pestilent fallacies. If he did not succeed further, if whole spheres of thought remained outside of his vision, it was because in his day there was not only no science of 'sociology' or psychology—there are no such sciences now—but no adequate perception of the vast variety of investigation which would be necessary to lay a basis for them. But the effort to frame a science is itself valuable, indeed of surpassing value, so far as it is combined with a genuine respect for facts. It is common enough to attempt to create a science by inventing technical terminology. Bentham tried the far wider and far more fruitful method of a minute investigation of particular facts. His work, therefore, will stand, however different some of the results may appear when fitted into a different framework. And, therefore, however crudely and im-

[1] See this phrase expounded in *Works* ('Book of Fallacies'), ii. 440, etc.

perfectly, Bentham did, as I believe, help to turn speculation into a true and profitable channel. Of that, more will appear hereafter; but, if any one doubts Bentham's services, I will only suggest to him to compare Bentham with any of his British contemporaries, and to ask where he can find anything at all comparable to his resolute attempt to bring light and order into a chaotic infusion of compromise and prejudice.

END OF VOL. I

NOTE ON BENTHAM'S WRITINGS

THE following account of Bentham's writings may be of some use. The arrangement is intended to show what were the topics which attracted his attention at successive periods.

The collected *Works*, edited by Bowring, appeared from 1838 to 1843 in eleven volumes, the last two containing the life and an elaborate index. The first nine volumes consist partly of the works already published; partly of works published for the first time from Bentham's MSS.; and partly of versions of Dumont's redactions of Bentham. Dumont's publications were (1) *Traités de Legislation civile et pénale* (1802; second edition, revised, 1820) [vol. i. contains *Principes généraux de Legislation* and *Principes du Code civil*; vol. ii. *Principes du Code pénal*; and vol. iii. *Mémoire sur le Panoptique*, *De la Promulgation des Lois*, *De l'Influence du Temps et des Lieux*, and *Vue générale d'un Corps complet des Lois*]; (2) *Théorie des Peines et des Récompenses*, 1811, 1818, 1825; (3) *Tactiques des Assemblées déliberantes et Traité des Sophismes politiques*, 1816; (4) *Traité des Preuves judiciaires*, 1823; and (5) *De l'Organisation judiciaire et de la Codification*, 1823.

In the following I give references to the place of each work in Bowring's edition.

Bentham's first book was the *Fragment on Government*, 1776 (i. 221-295). An interesting 'historical preface,' intended for a second edition (i. 240-259), was first printed in 1828. The *Fragment*, edited by Mr. F. C. Montague, was republished in 1891.

The *Introduction to the Principles of Morals and Legislation* was published in 1789, in one vol. 4to (i. 1-154). It had been

printed in 1780. A second edition, in two vols. 8vo, appeared in 1823. It was intended as an introduction to the plan of a penal code. Bentham says in his preface that his scheme would be completed by a series of works applying his principles to (1) civil law; (2) penal law; (3) procedure; (4) reward; (5) constitutional law; (6) political tactics; (7) international law; (8) finance; and (9) political economy, and by a tenth treatise giving a plan of a body of law 'considered in respect of its form,' that is, upon 'nomography.' He wrote more or less in the course of his life upon all these topics. Dumont's *Traités* of 1802 were based partly upon the *Introduction* and partly upon Bentham's MSS. corresponding to unfinished parts of this general scheme.

The two first sections of this scheme are represented in the *Works* by *Principles of the Civil Code* (i. 297-364) and *Principles of Penal Law* (i. 365-580). The *Principles of the Civil Code* is translated from Dumont's *Traités*, where it follows a condensed statement of 'general principles' taken from the opening chapters of the *Introduction*. An appendix 'on the levelling system' is added in the *Works* from Bentham's MSS. The *Principles of Penal Law* consists of three parts: the first and third (on 'political remedies for the evil of offences' and on 'indirect means of preventing crimes') are translated from parts 2 and 4 of Dumont's *Principes du Code pénal* (parts 1 and 3 of Dumont being adaptations from the *Introduction to Morals and Legislation*). The second part of the *Penal Law*, or *The Rationale of Punishment* is from Dumont's *Théorie des Peines et des Récompenses*. Dumont took it from a MS. written by Bentham in 1775. (See Bentham's *Works*, i. 388.) An appendix on 'Death Punishment,' addressed by Bentham to the French people in 1830, is added to Part II. in the *Works* (i. 525-532). No. 4 of Bentham's general scheme corresponds to the *Rationale of Reward*, founded upon two MSS., one in French and one in English, used by Dumont in the *Théorie des Peines et des Récompenses*. The English version in the *Works*, chiefly translated from Dumont and compared with the original

manuscript, was first published in 1825 (ii. 189-266). Richard Smith 'of the Stamps and Taxes' was the editor of this and of an edition of the *Rationale of Punishment* in 1831, and of various minor treatises. (Bentham's *Works*, x. 548 *n.*)

The *Table of the Springs of Action* (i. 195-220), written at an early period, was printed in 1815, and published, with modifications, in 1817. The *Vue générale* included in the *Traités* of 1802 was intended by Bentham as a sketch for his own guidance, and is translated as *View of a Complete Code of Laws* in the *Works* (iii. 154-210). The two essays in the 1802 *Traités* on 'the promulgation of laws' and the 'influence of time and place in matters of legislation' are translated in *Works* (i. 157-194). A fragment on *International Law*—a phrase invented by Bentham—written between 1786 and 1789, first appeared in the *Works* (ii. 535-571), with *Junctiana proposal*—a plan for a canal between the Atlantic and the Pacific—written in 1822, as an appendix.

Besides the above, all written before 1789 in pursuance of his scheme, Bentham had published in 1778 his *View of the Hard Labour Bill* (iv. 1-36); and in 1787 his *Defence of Usury* (iii. 1-29). A third edition of the last (with the 'protest against law taxes') was published in 1816.

During the following period (1789-1802) Bentham wrote various books, more or less suggested by the French revolution. The *Essay on Political Tactics* (ii. 299-373), (corresponding to No. 6 of the scheme), was sent to Morellet in 1789, but first published by Dumont in 1816. With it Dumont also published the substance of the *Anarchical Fallacies* (ii. 489-534), written about 1791. A *Draught of a Code for the Organisation of the Judicial Establishment of France*, dated March 1790, is reprinted in *Works* iv. 285-406. *Truth* v. *Ashhurst*, written in 1792 (v. 231-237), was first published in 1823. A *Manual of Political Economy*, written by 1793 (see *Works*, iii. 73 *n.*), corresponds to No. 9 of his scheme. A chapter appeared in the *Bibliothèque Britannique* in 1798. It was partly used in Dumont's *Théorie des Récompenses*, and first published in English in *Works* (iii.

31-84). *Emancipate your Colonies* (iv. 407-481) was privately printed in 1793, and first published for sale in 1830. A *Protest against Law Taxes*, printed in 1793, was published in 1795 together with *Supply without Burthen, or Escheat vice Taxation*, written in 1794. To them is appended a short paper called *Tax with Monopoly* (ii. 573-600). *A Plan for saving all Trouble and Expense in the Transfer of Stock*, written and partly printed in 1800, was first published in *Works* (iii. 105-153).

During this period Bentham was also occupied with the Panopticon, and some writings refer to it. *The Panopticon, or the Inspection House* (iv. 37-172), written in 1787, was published in 1791. *The Panopticon versus New South Wales* (iv. 173-248) appeared in 1802; and *A Plea for the Constitution* (on transportation to New South Wales) (iv. 249-284), in 1803. Closely connected with these are *Poor-laws and Pauper Management* (viii. 358-461), reprinted from Arthur Young's *Annals* of September 1797 and following months; and *Observations on the Poor Bill* (viii. 440-459), written in February 1797, privately printed in 1838, and first published in the *Works*.

About 1802 Bentham returned to jurisprudence. James Mill prepared from the papers then written an *Introductory View of the Rationale of Evidence*, finished and partly printed in 1812 (see *Works*, x. 468 *n*. and Bain's *James Mill*, 105, 120). Dumont's *Traité des Preuves judiciaires* (1823) was a redaction of the original papers, and an English translation of this appeared in 1825. The parts referring to English Law were omitted. The *Rationale of Evidence* (5 vols. 8vo, 1827), edited by J. S. Mill, represents a different and fuller redaction of the same papers. It is reprinted in vols. vi. and vii. of the *Works* with the *Introductory View* (now first published) prefixed. To the same period belongs *Scotch Reform*, with a *Summary View of a Plan for a Judicatory*, 1808 (second edition 1811, v. 1-60).

After 1808 Bentham's attention was especially drawn to political questions. His *Catechism of Parliamentary Reform* (iii. 433-557), written in 1809, was first published with a long 'introduction' in the *Pamphleteer* for January 1817. Bentham's

Radical Reform Bill, with explanations (iii. 558-597) followed in December 1819. *Radicalism not dangerous* (iii. 598-622), written at the same time, first appeared in the *Works* (iii. 398-622). *Elements of the Art of Packing as applied to Special Juries, especially in Cases of Libel Law* (v. 61-186), written in 1809, was published in 1821. *Swear not at all* (v. 188-229) (referring chiefly to Oxford tests), written in 1813, was published in 1817. *The King against Edmonds* and *The King against Wolseley* (v. 239-261) were published in 1820. *Official Aptitude minimized; Official Expense limited* (v. 263-286), is a series of papers, first collected in 1831. It contains a *Defence of Economy against Burke*, and a *Defence of Economy against George Rose*, both written in 1810, and published in the *Pamphleteer* in 1817, with *Observations* on a speech by Peel in 1825, and *Indications respecting Lord Eldon.* The two last appeared in 1825. Connected with these political writings is the *Book of Fallacies* (ii. 375-488), edited by Bingham in 1824, from the 'most unfinished of all Bentham's writings.' Allusions seem to show that the original MSS. were written from 1810 to 1819. It was partly published by Dumont with the *Tactique, &c.*

Bentham, during this period (1808-1820), was also led into various outlying questions. The *Pannomial Fragments, Nomography*, and *Appendix on Logical Arrangements employed by Jeremy Bentham* (iii. 211-295) were first published in the *Works* from MSS. written from 1813 to 1831. With the *Chrestomathia* (viii. 1-192), first published in 1816, are connected fragments upon 'Ontology,' 'Language,' and 'Universal Grammar' (viii. 193-358), first published in *Works* from fragments of MSS. of 1813 and later. George Bentham's *Outline of a New System of Logic* was partly founded upon his uncle's papers. Bentham at the Ford Abbey time (1814-1818) was also writing his *Church of Englandism and its Catechism examined*, 1818. The *Analysis of the Influence of Natural Religion upon the Temporal Happiness of Mankind*, by Philip Beauchamp, edited by George Grote, appeared in 1822; and *Not Paul but Jesus*, by Gamaliel

Smith, in 1823. Francis Place helped in preparing this at Ford Abbey in 1817 (Mr. Wallas's *Life of Place*, p. 83). *Mother Church of England relieved by Bleeding* (1823) and the *Book of Church Reform* (1831) are extracted from *Church of Englandism*. Bowring did not admit these works to his collection.

In his later years (1820-1832) Bentham began to be specially occupied with codification. *Papers upon Codification and Public Instruction* (iv. 451-534) consist chiefly of letters, written from 1811 to 1815, offering himself for employment in codification in America and Russia, and first published in 1817. In 1821 appeared *Three Tracts relating to Spanish and Portuguese Affairs, with a Continual Eye to English ones*; and in 1822 *Three Letters to Count Toreno on the proposed Penal Code* (in Spain) (viii. 460-554). A short tract on *Liberty of the Press* was addressed to the Spanish people in 1821 (ii. 275-299). *Codification Proposals* (iv. 535-594) appeared in 1823, offering to prepare an 'all-comprehensive code of law' for 'any nation professing liberal opinions.' *Securities against Misrule addressed to a Mahommedan State, and prepared with a special Reference to Tripoli*, written in 1822-23, was first published in the *Works* (viii. 551-600). A tract on the *Leading Principles of a Constitutional Code* (ii. 267-274) appeared in the *Pamphleteer* in 1823. The first volume of the *Constitutional Code*, printed in 1827, was published with the first chapter of the second volume in 1830. The whole book, edited by R. Doane from papers written between 1818 and 1832, was published in 1841, and forms volume ix. of the *Works*. Doane also edited *Principles of Judicial Procedure* (ii.1-188) from papers written chiefly from 1820 to 1827, though part had been written in 1802. Several thousand pages upon this subject—the third part of the original scheme—were left by Bentham at his death.

During his last years Bentham also wrote a *Commentary on Mr. Humphrey's Real Property Code*, published in the *Westminster Review* for October 1826 (v. 387-416); *Justice and Codification Petitions* (v. 437-548), printed in 1829; *Jeremy Bentham to his Fellow-Citizens in France on Houses of Peers and*

Senates (iv. 419-450), dated 15th October 1830; *Equity Dispatch Court Proposals* (iii. 297-432), first published in *Works* and written from 1829 to 1831; *Outline of a Plan of a General Register of Real Property* (v. 417-435), published in the Report of the Real Property Commission in 1832; and *Lord Brougham Displayed* (v. 549-612), 1832.

The *Deontology* or *Science of Morality* was published by Bowring in two vols. 8vo in 1834, but omitted from the *Works*, as the original edition was not exhausted. The MS. preserved at University College, London, shows that a substantial beginning had been made in 1814; most of the remainder about 1820. The second volume, made, as Bowring says, from a number of scraps, is probably more 'Bowringised' than the first.

Dumont's *Traités* were translated into Spanish in 1821, and the *Works* in 1841-43. There are also Russian and Italian translations. In 1830 a translation from Dumont, edited by F. E. Beneke, as *Grundsätze der Civil- und Criminal-Gesetzgebung*, etc., was published at Berlin. Beneke observes that Bentham had hitherto received little attention in Germany, though well known in other countries. He reports a saying attributed to Mme. de Staël that the age was that of Bentham, not of Byron or Buonaparte. The neglect of Bentham in Germany was due, as Beneke says, to the prevalence of the Kantian philosophy. Bentham, however, had been favourably noticed in the *Hermes* for 1822, and his merits since acknowledged by Mittermaier and Warnkönig in the *Zeitschrift für Rechtswissenschaft*. Beneke (1798-1854) was opposed to the Hegelian tendencies of his time, and much influenced by Herbart. See Ueberweg's *History of Philosophy* (English translation, 1874, ii. 281, etc.) and the account of Bentham in Robert von Mohl's *Staatswissenschaften*, etc. (1853), iii. 595-635.

A great mass of Bentham MSS. belongs to University College, London. They are contained in 148 boxes, which were examined and catalogued by Mr. T. Whittaker in 1892. A

few of these contain correspondence, part of which was printed by Bowring. Others are the manuscripts of published works. Some are upon the same subjects as the published works, and others refer to topics not included in his publications. Besides the *Deontology* manuscripts and a fragment upon 'Political Deontology,' there is a discussion of the means of suppressing duels, an argument against the legal punishment of certain offences against decency, and a criticism of the gospel narrative similar to *Not Paul*, etc. I have not thought it necessary to examine these fragments after reading Mr. Whittaker's report. Bentham's principles are sufficiently stated in his published works; and the papers which have been reposing in the cellars of University College can have had no influence upon the world. There is another large collection of MSS. in the British Museum from the papers of Bentham and his brother, Sir Samuel. Ten folio volumes contain correspondence, much of it referring only to Sir Samuel. A long correspondence upon the acquisition of the 'Panopticon' land is included. Another volume contains many of Bentham's school and college exercises. There are also the manuscripts of the *Nomography*, *Logical Arrangements*, etc. This collection was used by Bowring and by Lady Bentham in the life of her husband.